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No. 7

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, true humility will not automatically come to us when we choose to bow our heads in prayer or when we acknowledge our sins or shortcomings. More often, we are most humbled when overwhelming circumstances far exceed our control or natural disasters or human events surprise us.

Lord, the horrific tragedy of biblical proportions in Haiti has deeply touched us all. At the same time, this island community has called forth from the contemporary world a flood of compassionate prayer and created a mighty force of coordinating resources, personal generosity and heroic action.

Grant wisdom, prudence, and fortitude to rescue workers, medical teams and caretakers who deliver aid and supplies.

Your mighty presence is known, Lord, when true poverty casts a fresh light on another's wealth, when the weakness of some brings forth greater strength from the rest. Sickness leans on the healthy. The dead are lifted up and buried to protect the living.

How noble is this great sacrifice of the living and the dead. The human proportions of such love cannot be measured. We watch and say, "Amen."

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 228. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

KEEP THE GOVERNMENT OUT OF THE DOCTOR'S OFFICE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, most of the American people oppose the government plan to take over health care. It costs too much; it borrows too much; it taxes too much; it's inefficient; and it gives government bureaucrats the control of our personal medical decisions. We should just fix what's broken.

People should be able to buy health insurance across State lines to get competitive rates. Small businesses should be able to pool together to get better rates through larger risk pools. Businesses that help take care of their employees should get tax breaks rather than tax increases. People should own

their own health insurance policies—and that's real portability.

If anybody loses or leaves their jobs, they don't lose their insurance. People should not be cancelled for having pre-existing conditions, and we should figure out a way to provide for catastrophic illness, catastrophic injury and affordability.

These are things that most Members agree on. These things don't cost billions of dollars. These things help keep government out of the doctor's office. We should fix what the American people want us to fix and keep the government from destroying America's health.

And that's just the way it is.

BOBBY SALCEDO

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, today I am introducing a resolution decrying the shocking violence of the Mexican drug cartels, and I am urging the Mexican Government to bring to justice those responsible for the killing of Bobby Salcedo and of countless innocent bystanders.

This past New Year's Eve, Bobby Salcedo, a young elected official and rising star from my district in El Monte, California, was brutally executed in Gomez Palacio, Durango, Mexico. Despite having no connection to the Mexican drug trade, Mr. Salcedo's death is part of a recent and pervasive surge in violence against innocent bystanders. Bobby's death reminds us that the violence of the Mexican drug cartels is not in some faraway land but that it affects us here in the United States as well.

This violence must be stopped. Bobby's killers must be brought to justice. That is why I encourage my colleagues to support this resolution in urging the United States and Mexico to bring an

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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end to the gruesome violence of the Mexican drug cartels.

□ 1015

HONORING THE LIFE OF TECHNICAL SERGEANT ANTHONY C. CAMPBELL

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise to honor the life of Technical Sergeant Anthony C. Campbell, an Air Force Reservist and Cincinnati police officer from Florence, Kentucky. Sergeant Campbell made the ultimate sacrifice in service to our Nation on December 15, 2009, in Afghanistan while serving with the 932nd Civil Engineer Squadron.

Tony Campbell was a model citizen and patriot. His dream was to serve in the military and in law enforcement. After graduating from Boone County High School in 1992, he joined the U.S. Air Force. After active duty, he spent 10 years working as a pipefitter and Air Force Reservist before fulfilling his dream to become a Cincinnati police officer. Tony was recalled to active duty and deployed to Afghanistan in October of 2009.

Today, as we honor the service of this exceptional Kentuckian, my heartfelt prayers are with Tony's wife, Emily, their children, Jordan, Ryker and Devin, and his loving parents. We are all indebted to Tony for his bravery, dedication, and willingness to answer the Nation's call to defend freedom.

HUMAN RIGHTS ABUSES IN EGYPT

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise today to share my concerns and outrage over human rights abuses in Egypt.

The Egyptian Government must uphold the rights of all religious communities by ending discrimination and harassment of these groups and prosecuting those that do harm to these groups.

An attack that happened 2 weeks ago starkly illustrates the need for change in Egypt. On January 6, the night before Coptic Christmas, a drive-by shooting killed six Coptic Christians. While the United States and the human rights community have been vocal in condemning this attack and other human rights abuses, the Egyptian Government has yet to recognize the full significance of the violent act or the overreaching issue of intolerance in the country.

Violence in the name of religion is unacceptable, but when governments do not sufficiently address such behavior, the violence is far more troubling. Religion is a fundamental freedom that must be upheld and respected in every

nation and in every community. I urge my colleagues and the House to join me in calling for religious freedom and basic rights for all people.

MILITARY TRIBUNALS FOR TERRORISTS ACT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, this week, I introduced legislation that requires terrorists to be tried in military courts. The American people are outraged that foreign terrorists that are waging war against the United States are being treated as common criminals. The al Qaeda-trained Nigerian terrorist accused of trying to blow up Flight 253 on Christmas Day—I was in Detroit that day—is only the latest example of this misguided policy.

The mastermind behind the 9/11 attacks is going on trial in New York City, just blocks from Ground Zero. Even the New York Democratic Governor disagrees with this approach.

Putting terrorists on trial before military tribunals has many benefits, including the fact that sensitive U.S. intelligence sources and methods will be protected. I urge all my colleagues on both sides of the aisle to support and cosponsor the Military Tribunal for Terrorists Act.

EXPRESSING THANKS TO THE VOLUNTEERS IN IOWA

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Mr. Speaker, I want to express my sincere appreciation and thanks to the volunteers who have worked and continue to work in the flood-ravaged community of Cedar Rapids and all throughout Iowa.

On Monday, Martin Luther King Day, we observed a national day of service and volunteerism. I had the honor of working alongside a number of volunteers in Cedar Rapids, Iowa. It is the efforts, dedication, and a sense of shared community like I experienced on Monday that is the heart and soul of Iowa, and indeed our great Nation.

While I have been able to work with Congress to provide supplemental disaster assistance toward flood recovery, it is the volunteers from not only Iowa, but all over the country who have offered their hearts and time and made a truly monumental impact in our State. Thank you again, volunteers, for all you do.

INTERNATIONAL CHILD ABDUCTION PREVENTION ACT

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, my constituent, Deana Hebert, last saw her

then 18-month-old daughter, Bianca Lozano, on April 7, 1995. Bianca's father, Juan Lozano, took her for a scheduled child custody visit and then abducted her to Mexico. That was almost 15 years ago.

I was shocked to learn that there are over 950 open reports of U.S. citizen children being taken into Mexico by a parent. No parent should ever go through Deana's nightmare. That is why I have been working with all levels of government to urge cooperation with Mexico and allow this mother to see her child again.

Congress should pass H.R. 3240, the International Child Abduction Prevention Act of 2009, which would establish an Office on International Child Abductions within the State Department. I am a proud cosponsor of this legislation, which would strengthen the tools we have available to ensure that children like Bianca Lozano know they have a mother who loves them and come home.

THE LONG VIEW ON JOB CREATION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, as we consider new job initiatives to create more jobs for unemployed Americans, the Joint Economic Committee will be producing a series of charts over the next few weeks to help us better understand the economic missteps that led and contributed to this great recession.

This chart goes back to 1992, the year that President Clinton was elected. It shows that during his time there was very robust job creation in the private sector, and then during the Bush years it fell dramatically. This dark line is the job creation, going up during the Clinton years, falling dramatically under the Bush administration. It also shows that Democrats have been considerably more effective at creating private-sector jobs.

Economic reality was actually even worse than this chart shows. As Nobel Prize-winning economist Joseph Stiglitz has pointed out, job creation during the Bush administration was fueled by a bubble that inflated housing prices and spurred consumption and hiring, and when that bubble burst, the bottom fell out.

We owe it to the millions of unemployed who fell victim to the failed economic policies of the past to invest in Democratic job creation policies that have actually put people back to work in the private sector.

THE LONG VIEW ON JOB CREATION

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, while efforts to tax energy production have failed because of overwhelming public

opposition, the Environmental Protection Agency quietly perpetrated one of the largest power grabs ever.

A little-noticed decision last year expanded the definition of "air pollutant" in the Clean Air Act to include greenhouse gases. This means the Federal Government now has the authority to regulate everything from carbon dioxide to water vapor. As a result, every living person is now a source of pollution from exhaling CO₂ and water vapor. Every breath you take, every word you utter is now subject to EPA regulations.

The American people need room to breathe; so I have sponsored H.R. 391 to do just that. I hope my colleagues will join me because the hot air that comes out of this Chamber would qualify us as a Superfund site.

HONORING NGUOI-VIET DAILY NEWS FOR ITS 31 YEARS OF SERVICE IN LITTLE SAIGON

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Nguoi-Viet Daily News for its 31 years of media service in Orange County, California. Nguoi-Viet Daily News was the first and the largest daily newspaper published in Vietnamese in the United States, and it was founded by Mr. Do Ngoc Yen in 1978.

While its first 4-page issue, dated back on December 15, 1978, was printed in Mr. Do's garage, today he has more than 60 employees and a daily circulation of 18,000, and Nguoi-Viet online edition is among the most widely read services with 1.5 million hits a month.

Nguoi-Viet News has provided the Vietnamese community with appealing editorials and local and international news stories that highlight community service and activism while bringing the community together. I applaud Nguoi-Viet News for those important achievements for 31 years, and I look forward to its contribution in the next 31 years.

IN DEFENSE OF OUR WARFIGHTERS

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, soon courts-martial of the three Navy SEALs accused of beating a suspected terrorist will begin. These trials and the outcomes are being followed closely by our servicemembers. There is broad concern that political correctness may be impacting the decision to accuse servicemembers of crimes stemming from the treatment of terrorists and accused terrorists. This is not acceptable. Our soldiers must be able to carry out their missions without considering the sensitivities of the ACLU.

There is another group that is also following these courts-martial, the ter-

rorists. In fact, the al Qaeda handbook specifically directs any operative who is detained to immediately claim he is tortured and mistreated. We cannot stand by and allow our warfighters to be manipulated by the enemy.

When these charges are brought, many of our servicemembers elect to have civilian defense counsel, based on their level of experience and expertise, at their own expense. Even when acquitted or the charges are dropped, these servicemembers are left with significant debt. This is also unacceptable.

The people who so willingly defend this country deserve the very best defense and should be acquitted or the charges dropped. It is the responsibility of our government to pay these costs. Today I am introducing a resolution to address this inequity. I will continue to fight for our soldiers, sailors, airmen, and marines, and I urge all Members of Congress to do the same.

AMERICA IS TOO BIG TO FAIL

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, Americans' thirst for real change did not end with the election in 2008. Across this country, people are mad, mad that the rampant speculation in our financial markets which led to the current economic meltdown and the double-digit unemployment have not yet been addressed.

I want to thank President Obama for his announcement this morning acknowledging what former Fed Chairman Paul Volcker has been saying for months: It's time to reinstate the institutional protections that safeguarded our country for more than half a century, the Glass-Steagall Act, ironically repealed in 1999 at the behest of the financial services industry.

The only thing in America that can ever be deemed too big to fail is America itself. It is time for those of us in Congress to grow a backbone, to have the courage of our convictions and stand up to the big banks. No longer can we allow the greed of a few to put the entire Nation at risk.

Just as we are united in our effort to combat threats from abroad, we must be vigilant to those very real threats from within. We were sent here by the voters to take care of them, the taxpayers and the consumers. The banks can take care of themselves.

MR. OBAMA, PULL DOWN THAT HEALTH CARE BILL

(Mr. HALL of Texas asked and was given permission to address the House for 1 minute.)

Mr. HALL of Texas. Mr. Speaker, as we approach President Ronald Reagan's birthday, I remember very well 22 years ago when he thought our country was threatened by Russia and the fu-

ture of our children and their children was in danger of being imperiled. He stood at the Brandenburg Gate in Germany, shook his fist at Russia and said, "Mr. Gorbachev, tear down this wall."

We honor in a few days in my Fourth Congressional District and all across the land the man who said, Tear down this wall. Today I say to the leader of another country, our country, Mr. Obama, your health bill and your 34 czars: Tear down that wall that separates you from the American people. Pull down your health bill and start over. The people have spoken. We need jobs, not bribes and broken promises. Pull down that bill. Pull down that bill. Pull down that bill. Pull down that broken health bill.

HONORING CATHOLIC SCHOOLS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I rise today to honor Catholic schools in my district and across the country for their contributions to their students and communities.

January 31 through February 6, 2010, has been designated as Catholic Schools Week by the National Catholic Education Association and the United States Conference of Catholic Bishops.

I have a number of Catholic schools in my district, including St. Therese, Our Lady of Fatima—where a number of our neighborhood kids go—Saint Anne's, Saint Bernadette, Saint Joan of Arc, Saint Pius X, and Saints Peter and Paul. Each of these schools is advancing strong academic goals in the classroom, and each is developing well-rounded young adults in our communities.

I congratulate these Catholic schools in the Seventh Congressional District, as well as the students, parents, and teachers for their ongoing dedication to a quality education. Receiving a quality education is key to our children's success, and as a parent of three, I am well aware of this.

In closing, I extend my best wishes to the students who attend the Catholic schools in the Seventh Congressional District and wish every student in Colorado the best of luck in this school year.

□ 1030

PRESIDENT'S DEFICIT-CUTTING COMMISSION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. If you are concerned about runaway Federal spending and a rising national debt, you won't find a lot of comfort in today's headlines.

After passing a government takeover of health care costing over \$1 trillion

and a budget that will triple the national debt in the next 10 years, Democrat leaders are now talking about actually bringing legislation that will raise our debt limit by \$1.9 trillion. But we are told by the same Democratic leadership that they are going to get serious in 2010 about fiscal discipline.

I guess, along those lines, President Obama is expected to announce a bipartisan commission that will look for ways to reduce deficits in the future. Sounds like an appealing idea, but the devil is always in the details in Washington, D.C.

The President's commission on close examination actually looks like a guard dog with no bite. It looks like fiscal discipline, but it could be easily ignored by Congress.

Remarkably, the President's proposal, as I have heard about it, is prohibited from recommending cuts in any discretionary spending. That will be about \$1.4 trillion. And the bridge to nowhere, that is completely off-limits. And, as many of us know, with the partisan bias and the structure of it, as reported, it is likely this commission will just be an excuse to raise taxes.

The American people don't want more government, more taxes, and more political posturing about spending. They want this Congress to show the character and the strength to make the hard choices to put our fiscal house in order.

SUPPORT H.R. 2829 and H.R. 3053

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Mr. Speaker, each year tens of thousands of ex-offenders are released from prison back into our communities. Many of them return to our neighborhoods with few prospects and no way to provide for themselves and their families.

Unfortunately, months of waiting for benefits often push these ex-offenders back into criminal activity. Without an income to purchase health care and food, many see it as the only way to survive.

Today, I believe this Congress has the responsibility to address this clear danger to the public. That is why I introduced two bills last year, H.R. 2829 and H.R. 3053, which will ensure that former inmates have access to TANF, Medicaid, Social Security disability, and other benefits upon their release from prison.

By removing months of waiting, we can help these individuals successfully reenter society and avoid returning to a life of crime. I hope that all of my colleagues will consider cosponsoring these important bills, both for the future of ex-offenders and for the safety of our communities.

NATURAL GAS DRILLING

(Mr. ARCURI asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I want to take this opportunity to talk about an issue that has taken root in my district and across Upstate New York, and that is the concern over natural gas drilling prospects in a procedure called "hydraulic fracturing."

Natural gas is a great natural resource for this country to cultivate to use for heat and energy. However, in Upstate New York we have another natural resource that is critical to our survival and prosperity, and that is our water.

Our water supply is precious, and we are so fortunate in Upstate New York to have an abundance of water resources that I never want to take for granted and will always fight to protect.

Now, I don't want to oppose natural gas drilling in Upstate New York because there is a definite opportunity for gas drilling that has a positive impact, and I think that that's an important thing if we are going to address energy costs and local jobs in the region. But I don't want to sacrifice the purity of our water resources by rushing to drill before the infrastructure is in place in New York to regulate it in the way that it needs to be regulated.

I will stand with the people in my district who could be affected by natural gas drilling to ensure that their water is protected.

HEALTH CARE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, some people just don't get it.

I was reading the Wall Street Journal this morning. And when the Democrat Senators met, one of the aides was asked by a reporter what was going on; and the aide to one of the Democrat Senators said this: "People are hysterical right now."

Hysterical? Because the American people realize that this health care bill is an absolute disgrace and a tragedy, and they didn't want it and they overwhelmingly voted against it in Massachusetts, they are hysterical?

I would just like to say to that young man and any of my colleagues who really haven't gotten the message from Massachusetts and Virginia and New Jersey: the American people don't like the direction this country is heading in. They don't like the big spending. They don't like all these new socialistic programs. And they don't want the government coming between them and their doctor. And I hope my colleagues will get that message so we can work together to solve these problems facing the Nation regarding health care.

TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the

bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

H.R. 3254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Taos Pueblo Indian Water Rights Settlement Act".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purpose.

Sec. 3. Definitions.

Sec. 4. Pueblo rights.

Sec. 5. Pueblo water infrastructure and watershed enhancement.

Sec. 6. Taos Pueblo Water Development Fund.

Sec. 7. Marketing.

Sec. 8. Mutual-Benefit Projects.

Sec. 9. San Juan-Chama Project contracts.

Sec. 10. Authorizations, ratifications, confirmations, and conditions precedent.

Sec. 11. Waivers and releases.

Sec. 12. Interpretation and enforcement.

Sec. 13. Disclaimer.

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) *to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;*

(2) *to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this Act; and*

(3) *to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this Act.*

SEC. 3. DEFINITIONS.

In this Act:

(1) *ELIGIBLE NON-PUEBLO ENTITIES.*—The term "Eligible Non-Pueblo Entities" means the Town of Taos, El Prado Water and Sanitation District ("EPWSD"), and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) *ENFORCEMENT DATE.*—The term "Enforcement Date" means the date upon which the Secretary publishes the notice required by section 10(f)(1).

(3) *MUTUAL-BENEFIT PROJECTS.*—The term "Mutual-Benefit Projects" means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) *PARTIAL FINAL DECREE.*—The term "Partial Final Decree" means the Decree entered in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), for the resolution of the Pueblo's water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) **PARTIES.**—The term “Parties” means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) **PUEBLO.**—The term “Pueblo” means the Taos Pueblo, a sovereign Indian tribe duly recognized by the United States of America.

(7) **PUEBLO LANDS.**—The term “Pueblo lands” means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo’s land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) **SAN JUAN-CHAMA PROJECT.**—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member ditches (“TVAA”);

(E) the Town of Taos;

(F) EPWSD; and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations (“MDWCAs”), as amended to conform with this Act.

(11) **STATE ENGINEER.**—The term “State Engineer” means the New Mexico State Engineer.

(12) **TAOS VALLEY.**—The term “Taos Valley” means the geographic area depicted in Attachment 4 of the Settlement Agreement.

SEC. 4. PUEBLO RIGHTS.

(a) **IN GENERAL.**—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) **SUBSEQUENT ACT OF CONGRESS.**—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 5. PUEBLO WATER INFRASTRUCTURE AND WATERSHED ENHANCEMENT.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall provide grants and technical assistance to the Pueblo on a nonreimbursable basis to—

(1) plan, permit, design, engineer, construct, reconstruct, replace, or rehabilitate water production, treatment, and delivery infrastructure;

(2) restore, preserve, and protect the environment associated with the Buffalo Pasture area; and

(3) protect and enhance watershed conditions.

(b) **AVAILABILITY OF GRANTS.**—Upon the Enforcement Date, all amounts appropriated pursuant to section 10(c)(1) or made available from other authorized sources, shall be available in grants to the Pueblo after the requirements of subsection (c) have been met.

(c) **PLAN.**—The Secretary shall provide financial assistance pursuant to subsection (a) upon the Pueblo’s submittal of a plan that identifies the projects to be implemented consistent with the purposes of this section and describes how such projects are consistent with the Settlement Agreement.

(d) **EARLY FUNDS.**—Notwithstanding subsection (b), \$10,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(1)—

(1) shall be made available in grants to the Pueblo by the Secretary upon appropriation or availability of the funds from other authorized sources; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice, a Tribal Council resolution that describes the purposes under subsection (a) for which the monies will be used, and a plan under subsection (c) for this portion of the funding.

SEC. 6. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Taos Pueblo Water Development Fund” (hereinafter, “Fund”) to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo’s water rights acquisition program and water management and administration system; and

(5) for watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001, et seq.) (hereinafter, “Trust Fund Reform Act”), this Act, and the Settlement Agreement.

(c) **INVESTMENT OF THE FUND.**—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 10(c)(2) or made available from other authorized sources shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) **REQUIREMENTS.**—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) **LIABILITY.**—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this Act that the Pueblo does not withdraw under paragraph (1)(A).

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes

for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) **ANNUAL REPORT.**—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) **FUNDS AVAILABLE UPON APPROPRIATION.**—Notwithstanding subsection (d), \$15,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(2)—

(1) shall be available upon appropriation or made available from other authorized sources for the Pueblo’s acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo’s water rights acquisition program and water management and administration system, the design, planning, and permitting of water or wastewater infrastructure eligible for funding under sections 5 or 6, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used.

(g) **NO PER CAPITA DISTRIBUTIONS.**—No part of the Fund shall be distributed on a per capita basis to members of the Pueblo.

SEC. 7. MARKETING.

(a) **PUEBLO WATER RIGHTS.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) **PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 9(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary’s existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) **LIMITATION.**—

(1) **IN GENERAL.**—Diversion or use of water off Pueblo lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) **EFFECT ON WATER RIGHTS.**—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) **MAXIMUM TERM.**—

(1) **IN GENERAL.**—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) **ALIENATION OF RIGHTS.**—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this Act.

(e) **APPROVAL OF SECRETARY.**—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval not later than—

(1) 180 days after submission; or

(2) 60 days after compliance, if required, with section 102(2)(C) of the National Environmental

Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later, provided that no Secretarial approval shall be required for any water use lease with a term of less than 7 years.

(f) **NO FORFEITURE OR ABANDONMENT.**—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) **NO PREEMPTION.**—

(1) **IN GENERAL.**—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) **APPLICABLE LAW.**—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) **NO PREJUDICE.**—Nothing in this Act shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

SEC. 8. MUTUAL-BENEFIT PROJECTS.

(a) **IN GENERAL.**—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

SEC. 9. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) **IN GENERAL.**—Contracts issued under this section shall be in accordance with this Act and the Settlement Agreement.

(b) **CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.**—

(1) **IN GENERAL.**—The Secretary shall enter into 3 repayment contracts by not later than 180 days after the date of enactment of this Act, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to EPWSD.

(2) **REQUIREMENTS.**—Each such contract shall provide that if the conditions precedent set forth in section 10(f)(2) have not been fulfilled by December 31, 2016, the contract shall expire on that date.

(3) **APPLICABLE LAW.**—Public Law 87-483 (76 Stat. 97) applies to the contracts entered into

under paragraph (1) and no preference shall be applied as a result of section 4(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) **WAIVER.**—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87-483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 10. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) **RATIFICATION.**—

(1) **IN GENERAL.**—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this Act, the Settlement Agreement is authorized, ratified, and confirmed.

(2) **AMENDMENTS.**—To the extent amendments are executed to make the Settlement Agreement consistent with this Act, such amendments are also authorized, ratified, and confirmed.

(b) **EXECUTION OF SETTLEMENT AGREEMENT.**—To the extent that the Settlement Agreement does not conflict with this Act, the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this Act, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **TAOS PUEBLO INFRASTRUCTURE AND WATER-SHED FUND.**—There is authorized to be appropriated to the Secretary to provide grants pursuant to section 5, \$30,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(2) **TAOS PUEBLO WATER DEVELOPMENT FUND.**—There is authorized to be appropriated to the Taos Pueblo Water Development Fund, established at section 6(a), \$58,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(3) **MUTUAL-BENEFIT PROJECTS FUNDING.**—There is further authorized to be appropriated to the Secretary to provide grants pursuant to section 8, a total of \$33,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(4) **ADJUSTMENTS TO AMOUNTS AUTHORIZED.**—The amounts authorized to be appropriated under paragraphs (1) through (3) shall be adjusted by such amounts as may be required by reason of changes since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(5) **DEPOSIT IN FUND.**—Except for the funds to be provided to the Pueblo pursuant to section 5(d), the Secretary shall deposit the funds made available pursuant to paragraphs (1) and (3) into a Taos Settlement Fund to be established within the Treasury of the United States so that such funds may be made available to the Pueblo and the Eligible Non-Pueblo Entities upon the Enforcement Date as set forth in sections 5(b) and 8(a).

(d) **AUTHORITY OF THE SECRETARY.**—The Secretary is authorized to enter into such agree-

ments and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this Act.

(e) **ENVIRONMENTAL COMPLIANCE.**—

(1) **EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.**—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) **CONDITIONS PRECEDENT AND SECRETARIAL FINDING.**—

(1) **IN GENERAL.**—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) **CONDITIONS.**—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this Act, the Settlement Agreement has been revised to conform with this Act.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 11, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds authorized by paragraphs (1) through (3) of subsection (c) so that the entire amounts so authorized have been previously provided to the Pueblo pursuant to sections 5 and 6, or placed in the Taos Pueblo Water Development Fund or the Taos Settlement Fund as directed in subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72-6-3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this Act and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) **ENFORCEMENT DATE.**—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 11 and the limited waiver of sovereign immunity set forth in section 12(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) **EXPIRATION DATE.**—

(1) **IN GENERAL.**—If all of the conditions precedent described in section (f)(2) have not been fulfilled by December 31, 2016, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 11 and the sovereign immunity waivers in section

12(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) **EXCEPTION.**—Notwithstanding subsection (h)(1) or any other provision of law, any unexpended Federal funds, together with any income earned thereon, made available under sections 5(d) and 6(f) and title to any property acquired or constructed with expended Federal funds made available under sections 5(d) and 6(f) shall be retained by the Pueblo.

(3) **RIGHT TO SET-OFF.**—In the event the conditions precedent set forth in subsection (f)(2) have not been fulfilled by December 31, 2016, the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to paragraphs (1) and (2) of subsection (c) or made available from other authorized sources, together with any interest accrued, against any claims asserted by the Pueblo against the United States relating to water rights in the Taos Valley.

SEC. 11. WAIVERS AND RELEASES.

(a) **CLAIMS BY THE PUEBLO AND THE UNITED STATES.**—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) **CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.**—The Pueblo, on behalf of itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931 (46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this Act.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this Act, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this Act;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this Act and the Settlement Agreement.

(d) **EFFECT OF SECTION.**—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) December 31, 2016; or

(B) the Enforcement Date.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 12. INTERPRETATION AND ENFORCEMENT.

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this Act, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) **SUBJECT MATTER JURISDICTION NOT AFFECTED.**—Nothing in this Act shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) **REGULATORY AUTHORITY NOT AFFECTED.**—Nothing in this Act shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

SEC. 13. DISCLAIMER.

Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

The **SPEAKER** pro tempore. After 1 hour of debate on the bill, as amended,

it shall be in order to consider the amendment printed in part A of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3254.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Today, the Committee on Natural Resources is bringing before this body for consideration three bills which would provide for the settlement of the legitimate water claims of several Indian tribes.

Many Americans rarely give a thought to having clean, potable water in their homes. We turn on the taps in our kitchens, and we take it for granted that water will flow forth. But that, unfortunately, is not the case in all places.

There is no scarcity of water in my home State of West Virginia. We are rich in water. It flows freely.

Yet, today we continue to work to ensure that all of our citizens have access to clean, potable water, as well as to be served by sanitary wastewater systems; and I have and will continue to fight this fight every day of my tenure in this body. So it is with understanding and with compassion that I bring these three measures to the floor today.

The pending measure, and I give him full credit for his leadership and bringing it to our attention, sponsored by the gentleman from New Mexico, BEN RAY LUJÁN, would adjudicate the water rights of the Pueblo of Taos and end 40 years of active litigation by ratifying a settlement agreement.

Forty years, my colleagues, 40 years of litigation: that is what the pending legislation would end. And I cannot commend enough Mr. LUJÁN and Mr. HEINRICH, the other gentleman from New Mexico and member of our Committee on Natural Resources, for their efforts in this matter.

Similarly, I commend the chairwoman on the Subcommittee on Water and Power, the gentlewoman from California, GRACE NAPOLITANO, for the hearings and all of her hard work on the measures that we are considering today.

This legislation implements a settlement agreement that was signed in

May of 2006 by the Pueblo of Taos, the State of New Mexico, 55 community ditch associations, the town of Taos, El Prado Water and Sanitation District, and the 12 Taos-area Mutual Domestic Water Consumer Associations. Collectively, the parties to the agreement represent the majority of water users in the Taos Valley.

Let me emphasize that point. This settlement provides water certainty to both tribal and non-tribal communities.

Under this settlement agreement, funds would be authorized for the Taos Settlement Fund, the Taos Infrastructure and Watershed Fund, and for various projects that are mutually beneficial to the pueblo and non-pueblo parties.

I would note that the Taos Pueblo has settled for a water right that is far less than what the claims asserted in litigation by the United States and the pueblo. This potential value is much more than the amount that is authorized to be appropriated in H.R. 3254, a clear financial benefit to all taxpayers.

Yet we will hear from some on the other side of the aisle that they are just not sure whether or not this settlement agreement is a good deal. They just do not know, they will say.

Well, all the parties which finally came together to settle 40 years of litigation, I remind you, believe that this is a good settlement. The gentleman from New Mexico who represents these people in this body believes it is a good deal. The gentlewoman from California, GRACE NAPOLITANO, who held hearings on this bill and worked with all the concerned parties, believes it is a good settlement. And the Committee on Natural Resources, which approved a pending measure, thought it was a good enough settlement to send to the full House.

Let me be clear: Both the Departments of the Interior and Justice were involved in this settlement agreement. Rather than engage in protracted litigation, both Republican and Democrat administrations for over the last 20 years believe that negotiated Indian water rights settlements are the preferred course of action.

In testimony before the Water and Power Subcommittee, the Commissioner of the Bureau of Reclamation stated: "Settlements improve water management by providing certainty not just as to the quantification of a tribe's water rights but also as to the rights of all water users."

He added further: "Indian water rights settlements are consistent with the Federal trust responsibility to Native Americans and with a policy of promoting Indian self-determination and economic self-sufficiency."

We do indeed have a trust responsibility to Indian country, and fulfilling that responsibility is at the heart of what we are doing today. The Taos Pueblo has had to fight for its water rights against Spanish settlers, with Mexico, and then as part of the United

States. Let us today end this long fight and provide certainty to all the water users in the Taos Valley.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to reluctantly oppose this and the two other claimed settlement bills that are being considered on the House floor today.

As a Member from the western part of the United States, I am well aware of how important these settlements can be to tribal and non-tribal communities. In general, Indian water rights settlements are instruments to reduce litigation and bring water supply certainty to communities in the western part of the United States. When done right, they provide not only certainty to all parties, but they also benefit the American taxpayer, who could end up paying much more if the litigation went forward.

It is indeed Congress' statutory role to consider and approve these settlements when these settlements are complete. The Congress should have all the information it needs to conduct a proper review and pass judgment on the merits of approving these settlements. Yet we do not have all such information on these three bills today. The most critical missing element is a clear, direct answer from the Department of Justice, through the Attorney General, on whether these settlements represent a fair resolution to the taxpayer.

As I mentioned during committee consideration of these bills, it is appropriate that these agreements are largely worked out by the people at the local level, but taxpayers from across the country have to pay for such agreements.

So, Mr. Speaker, in that context, while I applaud the idea that local groups are working it out in their best interests, which I think is a positive statement, these do have to be paid for by the American taxpayers. So we must be able to answer this question: Is this the best deal that can be reached and is it in the interest of the parties to the settlement, as well as to the taxpayers of this country?

The three bills that the House will consider today total over \$500 million in potential Federal expenditure. Before Congress spends over one-half billion dollars, we certainly should know whether the taxpayers are getting fair treatment.

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The American people are highly concerned about the spending that's gone on in this Congress. Whether it's the stimulus spending that has failed to create the promised jobs or the government takeover of health care with a price tag of well over a trillion dollars, the spending in this Congress is out of control. Congress needs to get serious about the record debt being run up during President Obama's first year in office. This means not only stopping the

megaspending bills, but also taking a hard look at the smaller bills, such as the \$500 million bills that are represented under these three bills. We need the Attorney General to provide us with a clear, direct answer.

The ranking Republican of the Water and Power Subcommittee, Mr. MCCLINTOCK of California, has been working to elicit such answers. Months ago, in September and October of last year, he wrote to the Attorney General asking direct questions. No response was received until 2 days ago, just as these bills were headed to the floor of this House for a vote. Regrettably, this bill does not provide the direct answer to the questions asked. They finally replied at the 11th hour with ambiguity and generalities, but not with a clear answer that this Congress and the American taxpayers deserve.

So, Mr. Speaker, let me repeat again, while I support the concept of the settlement bills because, by definition, these are people, local people on the ground making decisions in their best interest, and the possibility that these three bills merit passage by the House, without a clear answer, as I talked about earlier, from the Department of Justice on whether taxpayers are getting a fair deal, I cannot support this legislation. So, therefore, I urge my colleagues to oppose all three of these bills.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the lead sponsor of this bill, whom I referenced in my opening remarks, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. I rise today in support of H.R. 3254, the Taos Pueblo Water Rights Settlement Act. Before I begin, I would like to thank Chairman RAHALL and Chairwoman NAPOLITANO for the stewardship of all three settlement bills we are considering on the House floor today, which are such an important part in meeting the water needs of the people in my district.

Mr. Speaker, it's taken nearly three decades of work by so many New Mexicans for me to be able to stand here today and address this body about the critical issue of water management and water security in my State. I'd like to thank all the tribal leaders and community members who have repeatedly traveled from Taos to Washington, across New Mexico, to work on this legislation throughout the years. Generation after generation, Mr. Speaker, people have been coming together to try to find resolution to benefit the community, to save taxpayers money, to prevent costly litigation from moving forward through the Federal court system.

As we consider these water settlements today, we should remember that behind this legislative language, the procedural necessities, and the committee reports, these bills are about the basic human need and water. These

settlements are the fulfillment of a promise made by the United States. Let me repeat that, Mr. Speaker. These settlements are the fulfillment of a promise made by the United States to its people, tribal and nontribal alike, that their water needs would be met. The preservation of the ancient culture of the Taos Pueblo as well as the future of the modern Taos community depend upon the passage of this legislation.

Let me give you a little history about this settlement and why it's so important to pass this legislation today. The legal proceedings that led to the Taos Pueblo Indian Water Rights Settlement, also known by my constituents as the Abeyta settlement, began in 1969 by the New Mexico State Engineer. The State Engineer's office in New Mexico is charged with the distribution and management of water resources in our State. The litigation continued until 1989, when the negotiations of the Abeyta settlement began. It has taken until today for these negotiations to reach a point where it could be possible to enact this settlement into law to resolve the water allocation between tribal and nontribal community members in the Taos area.

This legislation will bring to a close decades of litigation and uncertainty with regard to water resources for the people of my district. The passage of this legislation will bring security to water users in Taos by making water available for future generations and ensure that this valuable resource is protected. H.R. 3254 quantifies and protects Taos Pueblo's water and provides further security for water users of the town of Taos and many other non-Indian water users, including existing individual domestic wells. They are all provided safeguards for their use of water under this agreement.

The work that has been done between all the settlement parties and the Federal Government is truly a testament to the necessity of passing this legislation and the willingness of people to come together to protect the water resources that are so valuable to this community. Without this settlement, the future water availability for the people of Taos and Taos Pueblo will be uncertain and possibly disastrous.

Mr. Speaker, as we come today and we hear some of the concerns about moving this legislation forward, the uncertainty that will exist with Federal litigation and the possible costs and problems that could be passed on to taxpayers is something that this litigation will not only add to, but that this settlement will help resolve. I certainly hope that my colleagues from both sides of the aisle, that Members of this Chamber truly see the importance of us working together and making sure that we support people coming together to prevent costly and expensive litigation from moving forward, to do what is right, especially when it comes to the basic necessity and the valuable resource of water.

I urge you to support this bill, and I ask that we help protect the water re-

sources of the people of the Third Congressional District.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

As has been pointed out, this and the two bills that follow ratify out-of-court settlements that arise from decades-old litigation filed by various Indian tribes against the United States Government. They apportion water rights, among the three of them, to over 110,000 acre feet of water, and they draw more than half a billion dollars from the taxpayers of the United States, mainly for the development of those water resources.

From the outset, I believe that the controlling issue in approving any of these claims is simply this: Is it cheaper to settle out of court or to go to trial? To answer that question, we must turn to the Attorney General.

The Attorney General is presumably involved in these negotiations. He commands the legal expertise to judge the soundness or weakness of the government's case, and he is the official of our government directly responsible for representing the people of the United States in this litigation. Yet, when these bills were brought to us last fall, the Attorney General's office was completely silent on that question. In fact, the administration expressed many reservations about the technical aspects of these bills, which leads me to believe that these are not settlements negotiated by the Attorney General with the tribes and then presented to Congress, but rather they're settlements written by Congress itself, which Congress is neither designed nor is competent to do.

Most importantly, we were absolutely unable to get a straight answer to the most important question at issue, and that is: Do these settlements exceed the likely liability of the government if these claims went to trial? If we were a corporate board of directors making a decision on an out-of-court settlement and we agreed to that settlement without consulting with our legal counsel, we'd be guilty of breaching our fiduciary responsibility to our stockholders. How can we do any less as the Congress of the United States?

I'm new around here, but I spent 22 years in the California Legislature, many of them on the relevant committees that heard settlement bills. The central testimony in all of these settlements was from the attorney general's office as the State's legal counsel. They'd appear before us and they'd testify that in their professional legal judgment the settlements were justified under current law and that the State's liability and legal costs would likely exceed the settlement if the matter went to trial.

I'm told that's the way it used to work around here. The Attorney General would negotiate the best possible settlement on behalf of the United States and then submit that settlement to Congress. Congress would then approve or reject it. Now it seems to be working in precisely the opposite manner. Congress now does the negotiating and then presents the bill to the Attorney General. Mr. Speaker, that is not going to end well.

I wrote to the Attorney General's office in September and again in October asking for their legal assessment of the cases involved. This is hardly unprecedented. For example, in 1994, the Department of Justice testified before Congress on a similar water settlement in the Colville case. There, Peter Steenland, a Clinton Justice Department official, testified, "The Federal Government is not that well postured for a victory on this claim which has been pending for over 40 years. Absent the settlement, we could well litigate it for another 10 years and the outcome could easily be a significant cost to the taxpayers and the public." Well, if the Clinton administration could give Congress a straight answer on an Indian water settlement bill, then I felt there was no reason why the current one shouldn't also be straight with the Congress.

There's a simple word for this. It's called "transparency." We've been assured that's a guiding principle of this administration. We truly need some transparency in these cases if we're to do our job competently and to do justice to both sides in these claims, yet the administration remained completely untransparent on this issue. That's why I submitted a simple amendment to all three bills. The amendment would require that before the settlements take effect, the Department of Justice has to certify that settling out of court would be preferable to going to court.

I'd like to thank the members of the Rules Committee who granted the rule allowing these amendments to be presented today. But as the gentleman from Washington has said, a funny thing happened after the Rules Committee voted that rule out on Tuesday night. Two hours after the Rules Committee, 7:45 in the evening, our office received a letter from the administration responding to my requests made way back in September and October of last year, and in it the Departments of Justice and Interior finally are prepared to state, although somewhat ambiguously and circuitously, that "settlement would be preferable to litigation of these claims."

I certainly hope this is not going to be their pattern. We have many more Indian water settlements pending for substantial amounts of money, and the Congress should not have to wait for months to get a straight answer out of the administration for each settlement. The Congress should not be forced to choose a funding amount in

the dark and without an informed legal opinion from our Attorney General at the outset. These matters should not have to wait until the eve of a congressional vote.

Mr. Speaker, since the administration has responded to the question raised by the amendments that I'm prepared to offer, I'm not going to introduce them to these bills today. But it is hard to square their assurances of this week with the Department of the Interior's letter to the subcommittee chairman of November 10 with respect to the White Mountain Apache settlement, that says: "Given the benefits being obtained by the tribe under this settlement, the administration would consider the approximately \$109 million of additional funding for a development fund authorized under this bill to be excessive if it were viewed as settlement consideration."

I'd also point to concerns raised by the administration—again, this is unique to the White Mountain Apache settlement upcoming in the same letter—objecting to language "which waives the sovereign immunity of the United States." They warn, "This provision will engender additional litigation—and likely in competing State and Federal forums—rather than resolving the water rights disputes underlying adjudication."

Obviously, this administration has a lot of work to do before future water settlements are considered. I believe Congress needs to demand that the administration be candid and forthcoming in all future water settlements and that Congress insist that before it begins deliberating on a settlement, that the Attorney General has conducted and completed the negotiations, has determined all of the details, has certified that the settlement is within the legal liability of the government, and only then submit that settlement for consideration and approval by the Congress.

□ 1100

We need to make this happen in committee, not the night before a bill is sent to the House floor. And I believe that a growing number of us will have a problem agreeing to the advancement of future water settlements without these reforms. Anything less is breaching the fiduciary responsibility that we hold to the people of the United States. And I want to dwell on that term for just a moment. Congress' fiduciary responsibility, that sounds laughable today, but to the Framers of our Constitution, the term "Congress' fiduciary responsibility" wasn't a punch line. It was a bedrock principle. It's high time we restored and respected that principle.

Mr. RAHALL. Mr. Speaker, it's my honor to now yield such time as he may consume to the gentleman from New Mexico, MARTIN HEINRICH, another cosponsor of this legislation and a valued member of our Committee on Natural Resources.

Mr. HEINRICH. I thank the chairman for yielding.

Mr. Speaker, the Taos Pueblo Indian Water Rights Settlement Act is critically important to the Taos Pueblo and all of northern New Mexico. I want to thank my colleague BEN RAY LUJÁN for his leadership on this important issue. I also want to thank Chairman RAHALL and Chairwoman NAPOLITANO for their support of this bill during the committee process.

This bill is the result of many, many long years of negotiation among the parties to find a fair and equitable resolution to this conflict. Like the other longstanding water rights cases, this case has been in Federal court for 40 years. More than a decade ago, community leaders realized that litigation would not solve this problem but negotiation might. I want to commend the hard work and cooperation of all the stakeholders. This outcome demonstrates a real compromise by all the parties involved.

Taos Pueblo is the only living Native American community registered as a National Historic Landmark, and it has been continuously inhabited for over 1,000 years. Under New Mexico State law, that long history gives Taos Pueblo senior water rights and reinforces our duty to help protect their water resources while providing certainty to both Indian and non-Indian water users in the Taos Valley. This settlement also protects one of the pueblo's most sacred sites, the buffalo pasture. The pueblo has agreed to give up some of its water rights in exchange for protecting the groundwater that feeds the buffalo pasture.

A settlement agreement was signed in May of 2006 by Taos Pueblo, the State of New Mexico, and many affected non-Indian water users and acequia associations in the Taos Valley. But this settlement still needs ratification and approval by the United States Government, and that's what this bill will do. This settlement will bring much-needed certainty to the Taos Valley and New Mexico water users.

As anyone from a Western State knows, water is the lifeblood of our communities. Whether you live in downtown Albuquerque, on a ranch, or at a pueblo, every New Mexican depends on their community's right to clean, reliable water. This settlement is a historic step in ensuring that New Mexico communities have clear and reliable water rights to the water that they need.

I would urge my colleagues to vote "yes" on this bill.

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire of my friend, the distinguished chairman, if he has any more speakers on this bill?

Mr. RAHALL. I am prepared to close, Mr. Speaker.

Mr. HASTINGS of Washington. If that's the case then, Mr. Speaker, I know that Mr. MCCLINTOCK is not going to offer his amendment. So with that, I yield myself the balance of my time.

Mr. Speaker, hopefully we've made it very clear in this debate that the agreement and the settlement of the claims is preferable to litigation when fair resolutions are met. I think most people would agree with that. We certainly do on this side of the aisle. That it is better for those to be worked out at the local level, rather than resorting to expensive lawyer fees and years of fighting. And these bills have had a long time of years of fighting, we know that.

Yet we, as Representatives, owe it to our constituents to make certain that settlements are not being made that overly compensate or benefit one community or locality while ultimately being paid out of the pockets of the taxpayers. Settlements must be fair to claimants, the effected community and to taxpayers. Despite several months of efforts to get a clear, direct answer from the Attorney General on the question of whether these settlements are in the interest of taxpayers, they responded, unfortunately, at the very last minute with a short and vague letter that leaves the question largely unanswered.

These three bills, as I mentioned, Mr. Speaker, spend over \$500 million. Taxpayers deserve a transparent and straightforward reply. Because that has not been forthcoming, as I mentioned, I must oppose all three bills. But, Mr. Speaker, in the future, I would hope that the Democrat majority would be put on notice that we expect to hear directly from the Justice Department on the merits of the proposed settlements while this is being considered in the Natural Resources Committee. With hundreds of millions of dollars being spent, these settlements need to be fully vetted and explained in a fully transparent manner with clear answers from the Justice Department. Until that happens, these types of bills should not be advanced to the House floor, as these three bills were advanced to the House floor.

So with that, Mr. Speaker, I urge a "no" vote on this bill.

I yield back the balance of my time.
Mr. RAHALL. Mr. Speaker, I yield myself the balance of my time.

Let me conclude by noting that in a letter dated January 19 from the Department of the Interior and the Department of Justice, they noted, "Both rancor and uncertainty can have substantial economic consequences. The existence of unquantified water rights claims casts a shadow over all water users in a water basin, as no other water user in the basin can ever be certain when these rights may be used and how this will impact other users." The pending bill solves this problem. It provides badly needed certainty.

And before finally concluding, I would note to my colleagues, and I did not really want to do this for fear of scaring off support from my side of the aisle, but I will note that a third of these bills have a cosponsorship of the gentleman from Arizona (Mr. FLAKE),

not an individual known around here for his prolific spending habits. So I do that, again, with the trepidation of scaring off support from my side of the aisle for the pending measure. I will conclude, Mr. Speaker, by asking all Members to support this measure.

I yield back the balance of my time.
The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

AAMODT LITIGATION SETTLEMENT ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

H.R. 3342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Aamodt Litigation Settlement Act".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM

Sec. 101. Authorization of Regional Water System.

Sec. 102. Operating Agreement.

Sec. 103. Acquisition of Pueblo water supply for the Regional Water System.

Sec. 104. Delivery and allocation of Regional Water System capacity and water.

Sec. 105. Aamodt Settlement Pueblos' Fund.

Sec. 106. Environmental compliance.

Sec. 107. Authorization of appropriations.

TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

Sec. 201. Settlement Agreement and contract approval.

Sec. 202. Environmental compliance.

Sec. 203. Conditions precedent and enforcement date.

Sec. 204. Waivers and releases.

Sec. 205. Effect.

SEC. 2. DEFINITIONS.

In this Act:

(1) *AAMODT CASE.*—The term "Aamodt Case" means the civil action entitled *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV 6639 MV/LCS (D.N.M.).

(2) *ACRE-FEET.*—The term "acre-feet" means acre-feet of water per year.

(3) *AUTHORITY.*—The term "Authority" means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) *CITY.*—The term "City" means the city of Santa Fe, New Mexico.

(5) *COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.*—The term "Cost-Sharing and System Integration Agreement" means the agreement to be executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System;

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(6) *COUNTY.*—The term "County" means Santa Fe County, New Mexico.

(7) *COUNTY DISTRIBUTION SYSTEM.*—The term "County Distribution System" means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(8) *COUNTY WATER UTILITY.*—The term "County Water Utility" means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(9) *ENGINEERING REPORT.*—The term "Engineering Report" means the report entitled "Pojoaque Regional Water System Engineering Report" dated September 2008 and any amendments thereto, including any modifications which may be required by section 101(d)(2).

(10) *FUND.*—The term "Fund" means the Aamodt Settlement Pueblos' Fund established by section 105(a).

(11) *OPERATING AGREEMENT.*—The term "Operating Agreement" means the agreement between the Pueblos and the County executed under section 102(a).

(12) *OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.*—

(A) *IN GENERAL.*—The term "operations, maintenance, and replacement costs" means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) *EXCLUSION.*—The term "operations, maintenance, and replacement costs" does not include construction costs or costs related to construction design and planning.

(13) **POJOAQUE BASIN.**—

(A) **IN GENERAL.**—The term “Pojoaque Basin” means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

(i) the Rio Pojoaque; or

(ii) the 2 unnamed arroyos immediately south; and

(iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) **INCLUSION.**—The term “Pojoaque Basin” includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 505).

(14) **PUEBLO.**—The term “Pueblo” means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(15) **PUEBLOS.**—The term “Pueblos” means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(16) **PUEBLO LAND.**—The term “Pueblo land” means any real property that is—

(A) held by the United States in trust for a Pueblo within the Pojoaque Basin;

(B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(17) **PUEBLO WATER FACILITY.**—

(A) **IN GENERAL.**—The term “Pueblo Water Facility” means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) **INCLUSIONS.**—The term “Pueblo Water Facility” includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(18) **REGIONAL WATER SYSTEM.**—

(A) **IN GENERAL.**—The term “Regional Water System” means the Regional Water System described in section 101(a).

(B) **EXCLUSIONS.**—The term “Regional Water System” does not include the County or Pueblo water supply delivered through the Regional Water System.

(19) **SAN JUAN-CHAMA PROJECT.**—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(20) **SAN JUAN-CHAMA PROJECT ACT.**—The term “San Juan-Chama Project Act” means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).

(21) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(22) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the stipulated and binding agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, and as amended in conformity with this Act.

(23) **STATE.**—The term “State” means the State of New Mexico.

TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM

SEC. 101. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the “Regional Water System”.

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).

(b) **FINAL PROJECT DESIGN.**—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 106 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) **ACQUISITION OF LAND; WATER RIGHTS.**—

(1) **ACQUISITION OF LAND.**—Upon request, and in exchange for the funding which shall be provided in section 107(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Secretary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System.

(2) **WATER RIGHTS.**—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) **CONDITIONS FOR CONSTRUCTION.**—

(1) **IN GENERAL.**—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

(i) the Settlement Agreement; and

(ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(2) **MODIFICATIONS TO REGIONAL WATER SYSTEM.**—

(A) **IN GENERAL.**—The State and the County, in agreement with the Pueblos, the City, and other signatories to the Cost-Sharing and System Integration Agreement, may modify the extent, size, and capacity of the County Distribu-

tion System as set forth in the Cost-Sharing and System Integration Agreement.

(B) **EFFECT.**—A modification under subparagraph (A)—

(i) shall not affect implementation of the Settlement Agreement so long as the provisions in section 203 are satisfied; and

(ii) may result in an adjustment of the State and County cost-share allocation as set forth in the Cost-Sharing and System Integration Agreement.

(e) **APPLICABLE LAW.**—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) **CONSTRUCTION COSTS.**—

(1) **PUEBLO WATER FACILITIES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the expenditures of the Secretary to construct the Pueblo Water Facilities under this section shall not exceed \$106,400,000.

(B) **EXCEPTION.**—The amount described in subparagraph (A) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(2) **COSTS TO PUEBLO.**—The costs incurred by the Secretary in carrying out activities to construct the Pueblo Water Facilities under this section shall not be reimbursable to the United States.

(3) **COUNTY DISTRIBUTION SYSTEM.**—The costs of constructing the County Distribution System shall be at State and local expense.

(g) **STATE AND LOCAL CAPITAL OBLIGATIONS.**—The State and local capital obligations for the Regional Water System described in the Cost-Sharing and System Integration Agreement shall be satisfied on the payment of the State and local capital obligations described in the Cost-Sharing and System Integration Agreement.

(h) **CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on completion of the construction of the Regional Water System, the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) **CONDITIONS FOR CONVEYANCE.**—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System is complete; and

(B) the Operating Agreement is executed in accordance with section 102.

(3) **SUBSEQUENT CONVEYANCE.**—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) **INTEREST OF THE UNITED STATES.**—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) **ADDITIONAL CONSTRUCTION.**—On conveyance of a portion of the Regional Water System

under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(7) **EFFECT.**—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

SEC. 102. OPERATING AGREEMENT.

(a) **IN GENERAL.**—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 101(b).

(b) **APPROVAL.**—Not later than 180 days after receipt of the operating agreement described in subsection (a), the Secretary shall approve the Operating Agreement upon determination that the Operating Agreement is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) **CONTENTS.**—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(E) the allocation and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the por-

tions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(F) the operation of wellfields located on Pueblo land;

(G) the transfer of any water rights necessary to provide the Pueblo water supply described in section 103(a);

(H) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos' and to the County's distribution system shall be reduced on a prorata basis, in proportion to each distribution system's most current annual use; and

(I) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 101(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) **EFFECT.**—Nothing in this Act precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

SEC. 103. ACQUISITION OF PUEBLO WATER SUPPLY FOR THE REGIONAL WATER SYSTEM.

(a) **IN GENERAL.**—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambe reserved water described in section 2.6.2 of the Settlement Agreement pursuant to section 107(c)(1)(C); and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as “Top of the World” rights in the Aamodt Case;

(2) enter into a contract with the Pueblos for 1,079 acre-feet in accordance with section 11 of the San Juan-Chama Project Act; and

(3) by application to the State Engineer, seek approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) **FORFEITURE.**—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) **TRUST.**—The Pueblo water supply secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) **APPLICABLE LAW.**—The water supply made available pursuant to subsection (a)(2) shall be subject to the San Juan-Chama Project Act, and no preference shall be provided to the Pueblos as a result of subsection (c) with regard to the

delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(e) **CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.**—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) **WAIVERS.**—Notwithstanding the provisions of the San Juan-Chama Project Act, or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos' share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos' share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary's waiver of each Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Public Law No. 88-293, 78 Stat. 171 (March 26, 1964), shall remain nonreimbursable and nonreturnable.

(2) **TERMINATION.**—The contract shall provide that it shall terminate only upon the following conditions—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt Case by December 15, 2012, or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt Case pursuant to section 10.3 of the Settlement Agreement.

(f) **LIMITATION.**—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(g) **FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.**—Compliance with subsections (a) through (f) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(h) **RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.**—Notwithstanding the provisions of subsections (a) through (g), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this Act amends or modifies the quantities of water allocated to the Pueblos thereunder.

SEC. 104. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.

(a) **ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.**—

(1) **IN GENERAL.**—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) up to 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

(i) the Engineering Report; and

(ii) the final project design.

(2) **ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.**—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of up to 1,500 acre-feet consumptive use; and
(ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) **APPLICABLE LAW.**—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

(A) this title;
(B) the Settlement Agreement; and
(C) the Operating Agreement.

(b) **DELIVERY OF REGIONAL WATER SYSTEM WATER.**—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet per year of water rights by the Pueblos in accordance with—

(A) the Settlement Agreement;
(B) the Operating Agreement; and
(C) this title; and

(2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

(A) the Settlement Agreement;
(B) the Operating Agreement; and
(C) this title.

(c) **ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.**—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an intergovernmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement, and this Act;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

SEC. 105. AAMODT SETTLEMENT PUEBLOS' FUND.

(a) **ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS' FUND.**—There is established in the Treasury of the United States a fund, to be known as the "Aamodt Settlement Pueblos' Fund," consisting of—

(1) such amounts as are made available to the Fund under section 107(c) or other authorized sources; and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this Act.

(c) **INVESTMENT OF THE FUND.**—On the date set forth in section 203(a)(1), the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);
(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **TRIBAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—A Pueblo may withdraw all or part of the Pueblo's portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 107(c).

(3) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this title.

(4) **LIABILITY.**—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

(5) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) **ANNUAL REPORT.**—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) **NO PER CAPITA PAYMENTS.**—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

(7) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—

(A) **APPROVAL OF SETTLEMENT AGREEMENT.**—Amounts made available under subparagraphs (A) and (C) of section 107(c)(1) or from other authorized sources shall be available for expenditure or withdrawal only after the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) **COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.**—Amounts made available under section 107(c)(1)(B) or from other authorized sources shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

(C) **FAILURE TO FULFILL CONDITIONS PRECEDENT.**—If the conditions precedent in section 203 have not been fulfilled by September 15, 2017, the United States shall be entitled to set off any funds expended or withdrawn from the amounts appropriated pursuant to section 107(c), together with any interest accrued, against any claims asserted by the Pueblos against the United States relating to the water rights in the Pojoaque Basin.

SEC. 106. ENVIRONMENTAL COMPLIANCE.

(a) **IN GENERAL.**—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) **NATIONAL ENVIRONMENTAL POLICY ACT.**—Nothing in this Act affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) **REGIONAL WATER SYSTEM.**—

(1) **IN GENERAL.**—Subject to paragraph (4), there is authorized to be appropriated to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 106 an amount not to exceed \$106,400,000, as adjusted under paragraph (3), for the period of fiscal years 2010 through 2022, to remain available until expended.

(2) **PRIORITY OF FUNDING.**—Of the amounts authorized under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(3) **ADJUSTMENT.**—The amount authorized under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(4) **LIMITATIONS.**—

(A) **IN GENERAL.**—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) **RECORD OF DECISION.**—No amounts made available under paragraph (1) shall be expended unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) **ACQUISITION OF WATER RIGHTS.**—There is authorized to be appropriated to the Secretary funds for the acquisition of the water rights under section 103(a)(1)(B)—

(1) in the amount of \$5,400,000.00 if such acquisition is completed by December 31, 2010; and

(2) the amount authorized under paragraph (b)(1) shall be adjusted according to the CPI Urban Index commencing January 1, 2011.

(c) **AAMODT SETTLEMENT PUEBLOS' FUND.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Fund the following amounts for the period of fiscal years 2010 through 2022:

(A) \$15,000,000, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo. The amount authorized herein shall be adjusted according to the CPI Urban Index commencing October 1, 2006.

(B) \$37,500,000, which shall be allocated to an account, to be established not later than January 1, 2016, to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(C) \$5,000,000 and any interest thereon, which shall be allocated to the Pueblo of Nambe for the acquisition of the Nambe reserved water rights in accordance with section 103(a)(1)(A). The amount authorized herein shall be adjusted according to the CPI Urban Index commencing

January 1, 2011. The funds provided under this section may be used by the Pueblo of Nambe only for the acquisition of land, other real property interests, or economic development.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—Prior to conveyance of the Regional Water System pursuant to section 101, the Secretary is authorized to and shall pay any operation, maintenance or replacement costs associated with the Pueblo Water Facilities or the Regional Water System up to an amount that does not exceed \$5,000,000, which is authorized to be appropriated to the Secretary.

(B) OBLIGATION OF FEDERAL GOVERNMENT AFTER COMPLETION.—The amount authorized under subparagraph (A) shall expire after the date on which construction of the Regional Water System is completed and the amounts required to be deposited in the account have been deposited under this section by the Federal Government.

TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

SEC. 201. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) APPROVAL.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act) are authorized, ratified, and confirmed.

(b) EXECUTION.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act).

(c) AUTHORITIES OF THE PUEBLOS.—

(1) IN GENERAL.—Each of the Pueblos may enter into contracts to lease or exchange water rights or to forbear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin in accordance with the other limitations of section 2.1.5 of the Settlement Agreement provided that section 2.1.5 is amended accordingly.

(2) EXECUTION.—The Secretary shall not execute the Settlement Agreement until such amendment is accomplished under paragraph (1).

(3) APPROVAL BY SECRETARY.—Consistent with the Settlement Agreement as amended under paragraph (1), the Secretary shall approve or disapprove a lease entered into under paragraph (1).

(4) PROHIBITION ON PERMANENT ALIENATION.—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(5) APPLICABLE LAW.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(6) LEASING OR MARKETING OF WATER SUPPLY.—The water supply provided on behalf of the Pueblos pursuant to section 103(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 104(c)(2).

(d) AMENDMENTS TO CONTRACTS.—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe

Falls Dam and Reservoir in accordance with the Settlement Agreement.

SEC. 202. ENVIRONMENTAL COMPLIANCE.

(a) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The execution of the Settlement Agreement under section 201(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 203. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017, a statement of finding that the conditions have been fulfilled.

(2) REQUIREMENTS.—The conditions precedent referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 204, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 107, with the exception of subsection (a)(1) of that section, by December 15, 2016;

(D) the Secretary has acquired and entered into appropriate contracts for the water rights described in section 103(a);

(E) for purposes of section 103(a), permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions that—

(i) the permits shall be free of any condition that materially adversely affects the ability of the Pueblos or the Regional Water Authority to divert or use the Pueblo water supply described in section 103(a), including water rights acquired in addition to those described in section 103(a), in accordance with section 103(g); and

(ii) the Settlement Agreement shall establish the means to address any permit conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, including defining the conditions that will not constitute a material adverse affect;

(F) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(G) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(H) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico by June 15, 2017.

(b) EXPIRATION DATE.—If all the conditions precedent described in subsection (a)(2) have not been fulfilled by September 15, 2017—

(1) the Settlement Agreement and this Act including waivers described in those documents shall no longer be effective; and

(2) any funds that have been appropriated under this Act but not expended shall immediately revert to the general fund of the United States Treasury.

(c) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable as of the date that the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(E) and an Interim Administrative Order consistent with the Settlement Agreement.

(d) EFFECTIVENESS OF WAIVERS.—The waivers and releases executed pursuant to section 204 shall become effective as of the date that the Secretary publishes the notice required by subsection (a)(1).

(e) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.—

(1) CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.—Subject to the provisions in section 101(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if the infrastructure has been constructed capable of—

(A) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos; and

(B) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System.

(2) CONSULTATION.—On or after June 30, 2021, at the request of 1 or more of the Pueblos, the Secretary shall consult with the Pueblos and confer with the County and the State on whether the criteria in paragraph (1) for substantial completion of the Regional Water System have been met or will be met by June 30, 2024.

(3) WRITTEN DETERMINATION BY SECRETARY.—Not earlier than June 30, 2021, at the request of 1 or more of the Pueblos and after the consultation required by paragraph (2), the Secretary shall—

(A) determine whether the Regional Water System has been substantially completed based on the criteria described in paragraph (1); and

(B) submit a written notice of the determination under subparagraph (A) to—

- (i) the Pueblos;
- (ii) the County; and
- (iii) the State.

(4) RIGHT TO REVIEW.—

(A) IN GENERAL.—A determination by the Secretary under paragraph (3)(A) shall be considered to be a final agency action subject to judicial review by the Decree Court under sections 701 through 706 of title 5, United States Code.

(B) FAILURE TO MAKE TIMELY DETERMINATION.—

(i) IN GENERAL.—If a Pueblo requests a written determination under paragraph (3) and the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unlawfully withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) DATE.—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and

(II) June 30, 2023.

(C) EFFECT OF ACT.—Nothing in this Act gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(5) RIGHT TO VOID FINAL DECREE.—

(A) IN GENERAL.—Not later than June 30, 2024, on a determination by the Secretary, after consultation with the Pueblos, that the Regional Water System is not substantially complete, 1 or more of the Pueblos, or the United States acting

on behalf of a Pueblo, shall have the right to notify the Decree Court of the determination.

(B) **EFFECT.**—The Final Decree shall have no force or effect on a finding by the Decree Court that a Pueblo, or the United States acting on behalf of a Pueblo, has submitted proper notification under subparagraph (A).

(f) **VOIDING OF WAIVERS.**—If the Final Decree is void under subsection (e)(5)—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases executed pursuant to section 204 shall no longer be effective; and

(3) any unexpended Federal funds, together with any interest earned on those funds, and title to any property acquired or constructed with expended Federal funds shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress.

SEC. 204. WAIVERS AND RELEASES.

(a) **CLAIMS BY THE PUEBLOS AND THE UNITED STATES.**—In return for recognition of the Pueblos' water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—

(1) all claims for water rights in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 203(d), except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, might be able to otherwise assert in any proceeding not initiated on or before the date of enactment of this title, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking) for land within the Pojoaque Basin that accrued at any time up to and including the waiver effectiveness date identified in section 203(d);

(4) their defenses in the Aamodt Case to the claims previously asserted therein by other parties to the Settlement Agreement;

(5) all pending and future inter se challenges to the quantification and priority of water rights of non-Pueblo wells in the Pojoaque Basin, except as provided by section 2.8 of the Settlement Agreement;

(6) all pending and future inter se challenges against other parties to the Settlement Agreement;

(7) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to City of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin, provided that this waiver shall not be effective by the Pueblo of Tesuque unless there is a water resources agreement executed between the Pueblo of Tesuque and the City of Santa Fe; and

(8) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or

taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin.

(b) **CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.**—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin that the United States acting in its capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the Pojoaque Basin that first accrued at any time up to and including the waiver effectiveness date identified in section 203(d);

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by Acts, including the Act of December 22, 1927 (45 Stat. 2), the Act of March 4, 1929 (45 Stat. 1562), the Act of March 26, 1930 (46 Stat. 90), the Act of February 14, 1931 (46 Stat. 1115), the Act of March 4, 1931 (46 Stat. 1552), the Act of July 1, 1932 (47 Stat. 525), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of Trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos' water rights in the Aamodt Case; and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Partial Final Decree, the Final Decree, or this Act.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this Act, the Pueblos on behalf of themselves and their members and the United States acting in its capacity as trustee for the Pueblos retain.—

(1) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblos and the United States or this Act;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Partial Final Decree, Final Decree, and the Settlement Agreement;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin arising out of activities occurring outside the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the Pueblos may have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (in-

cluding claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this Act or the Settlement Agreement.

(d) **EFFECT OF SECTION.**—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action;

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) **EFFECT OF SUBPARAGRAPH.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 205. EFFECT.

Nothing in this Act or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

The **SPEAKER** pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in part B of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3342.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

We are now proceeding with the second of three bills to implement Indian water rights settlement agreements being considered by this body today. The pending measure, like the previous bill, is sponsored by our colleague BEN RAY LUJÁN of New Mexico and cosponsored by MARTIN HEINRICH of that State.

This legislation would settle the water rights of four pueblos in New Mexico under an agreement with the State of New Mexico, Santa Fe County, the city of Santa Fe, and individual water users. It would end 44 years of active litigation involving over 2,500 defendants by ratifying the settlement agreement and funding a regional water system for all water users in the valley.

The previous bill we considered would end 40 years of litigation. The one we are currently considering would end 44 years of litigation. I would say to my colleagues that today we are making history. The American people want certainty. During these tough economic times, we all want to have certainty in our lives. But for many, a long-year certainty with respect to water has not been the case in the Rio Grande watershed. Today we can provide that certainty.

The pending measure would secure water to meet the current and future needs of the pueblos involved, protect water users that make the region unique, preserve irrigation in the area, and provide water for all the region's residents. As in the case of H.R. 3342, water rights settlements improve water management by providing certainty not just to the quantification of a tribe's water rights but also to the water rights of all users. Certainty provides opportunities for economic development, for Indian and non-Indians alike. Where Indian water rights are unquantified, there is often tension and conflict between tribes and their neighbors. The best settlements, like the ones before us today, replace tension with collaboration, mutual interdependence, and trust.

I commend the team of LUJÁN and HEINRICH for their hard work on this matter. I again would acknowledge the long hours of work that have been put into this measure by the distinguished gentlewoman from California, GRACE NAPOLITANO, in her position as chairwoman for our Subcommittee on Water and Power. She has gone through countless hours of hearings and discussions and meetings on these bills. I thank the four pueblos and their settlement partners for their hard work and dedication.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The arguments that I made on the previous bill are exactly applicable to this bill. So let me simply summarize. To summarize, I believe, and we believe on this side, that settlement agreements are in the best interests for all parties involved. But there is an element that needs to be highlighted because settlement agreements generally at the end cost money, and the missing part of these agreements on these three bills that we are considering today is, What is the cost to the taxpayer?

We need to have transparency when we make that decision, and that decision, unfortunately, was not afforded to us in committee, and at the last minute, it was afforded to us in a very ambiguous way. So it's for that reason, while I support the claims settlements as a general principle, not having all the information, I must oppose this bill, as I did the last bill. And with the next bill coming up, I will say essentially the same thing.

So with that, Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. RAHALL. Mr. Speaker, I am happy to yield such time as she may consume to the distinguished gentlewoman from California (Mrs. NAPOLITANO), the chairlady of our Water and Power Subcommittee.

Mrs. NAPOLITANO. Thank you, Chairman RAHALL and Ranking Member HASTINGS.

You have heard about the three bills. We are here today on these three pieces of legislation that would settle the water rights of six Native American nations in New Mexico and Arizona. The people on these reservations inhabit the same sacred lands as their fathers, their grandfathers, and many generations before. These three bills would provide them with the water that their ancestors were entitled to but never received.

We often take for granted the most basic of our resources, water. The people of the pueblos and the high country of Arizona never have. They understand the value of water and its importance in their cultures and well-being. Water is the lifeblood of these individuals, and when they were assigned reservations of land, their assumption was that they would also have access to the water they needed to survive. They were not, and hence for the last 140-plus years, these individual Americans have been fighting for the right to this most basic of resources, water. It is time today for us to do something about this for these six native nations.

Mr. Chairman, you mentioned Charlie Dorame in your statement as an example of the type of dedication that has been made for these water rights settlements and the subsequent legislation. Leaders in each tribe and pueblo have invested many decades in trying to acquire water rights that for genera-

tions came without legal restrictions but instead were part of their homeland.

For many years these tribes have been treated as second-class citizens of our great country, America. We have taken their lands. We have taken their resources, and we have even taken their water. But instead of complaining, these pueblos and tribes have worked with the Federal Government and the local governments to legally, and I might add very costly, attempt to acquire access to something that always has been part of their lives, water.

Members of these tribes across the country today continue to work to support their sovereign nations. They work with the States and work with the local partners who see the benefit of the settlement not just for the tribal communities but for the entire region.

Mr. Speaker, I would like to say that I have Colorado River Water Users Association's 2010 resolutions, the Western States Water Council, and the National Congress of American Indians here in support of this legislation, people looking for local and regional solutions, just as we have been directing them to do.

Mr. Speaker, I have brought with me these resolutions so we can understand that they have wide support, not only from the Native American areas but also from their neighbors and their friends within the area. Each of these organizations supports the settlement of Indian reserved water rights by negotiation or agreement. They realize in order to plan for the future and for their economy, we need to provide certainty to a basic human right, water.

These resolutions are consistent with the administration's views of supporting collaborative negotiations as an inherent responsibility to Federal trustees to Indian tribes and their members. Most importantly, we can not, we must not forget that we are talking about Americans, Native Americans, human beings. These tribes and pueblos have done everything that we have asked of them and have taken the long walk to walk with the Federal Government's legal restraints and now are in sight of securing for their people a basic human right, water.

After decades, these people have made huge efforts to play by the government rules to acquire rightful access to water that traditionally came with the land that they lived on. The price for these people has been high, the walk long and filled with many disappointments and many empty promises.

I ask that you support this legislation today. Support it because these Native Americans have followed all of the rules, procedures, and hurdles that our government has laid out. Support the legislation because it is the right thing to do and because it is supported by all local community and regional water managers; and, most importantly, because it is time to provide

certainty to the tribes and the pueblos and the people of New Mexico and Arizona that we can do right by them. At the end of the day for this one precious resource, water, we can sit down and appreciate doing the right thing for them.

Water, Mr. Speaker, which you are drinking, is running short in the U.S. We need to preserve it and take care of it, and none other more than our Native Americans love the Earth and what Mother Nature gives us. Help us pass this bill.

2010 RESOLUTIONS ADOPTED BY THE RESOLUTIONS COMMITTEE OF THE COLORADO RIVER WATER USERS ASSOCIATION, DECEMBER 9, 2009

* * * production. The federal government should pay for replacement power due to operational changes for recreation, fishery or the environment.

5. Reclamation-constructed and maintained water storage and conveyance systems situated throughout the Colorado River Basin are critically important to the economies, the quality of life and the survival of the people who depend upon waters from the Basin. In order to avoid huge financial impacts associated with performing maintenance that was deferred or making future repairs on an emergency basis, Congress should recognize and appropriate requisite funding to maintain aging, critically important water project infrastructure in the Colorado River Basin and across the West.

6. Reclamation should immediately commence and fully implement the measures identified in its Managing for Excellence action plan, issued in response to the National Research Council's Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation report, including transfer of operation and maintenance responsibility to project sponsors when they are capable and willing to take over such responsibility.

RESOLUTION NO. 2010-4—COLORADO RIVER
SALINITY CONTROL

The CRWUA urges continued funding and implementation of measures to control the salinity of the Colorado River. The Administration should request and Congress should provide sufficient funding for the Colorado River Basin Salinity Control Program.

RESOLUTION NO. 2010-5—SETTLEMENT OF INDIAN
RESERVED RIGHTS

The CRWUA supports the settlement of Indian reserved water rights by negotiation or agreement, recognizing that:

1. Settlements should result in the least possible disruption of existing water uses and the economies based on those uses, while at the same time providing the affected tribes with the firm water supplies required to meet the long-term needs of the reservation inhabitants and to establish lasting tribal economies.

2. The achievement of these objectives requires federally funded water projects designed to ensure that all of the tribal water needs in the subject basin or watershed are met.

3. Appropriate participation of the Federal, State, local governmental and Tribal entities, and non-Indian water users in the settlement process is required for the success of any negotiated settlement.

4. Any water rights settlements that have been approved by the respective parties should be immediately and fully funded to implement their terms within the specified timeframes. The Federal Government must

take advantage of existing funding authorizations, such as Title VI, Emergency Fund for Indian Safety and Health, of P.L. 110-293, by complying in a timely manner with Congressional mandates and budgeting funds, while continuing to explore and develop new creative solutions to fund Indian water rights settlements.

RESOLUTION OF THE WESTERN STATES WATER
COUNCIL IN SUPPORT OF INDIAN WATER
RIGHTS SETTLEMENTS, OCTOBER 17, 2008

WHEREAS, the Western States Water Council, an organization of eighteen western states, and adjunct to the Western Governors' Association has consistently supported negotiated settlement of Indian water rights disputes; and

WHEREAS, the public interest and sound public policy require the resolution of Indian water rights claims in a manner that is least disruptive to existing uses of water; and

WHEREAS, negotiated quantification of Indian water rights claims is a highly desirable process which can achieve quantifications fairly, efficiently, and with the least cost; and

WHEREAS, the advantages of negotiated settlements include: (i) the ability to be flexible and to tailor solutions to the unique circumstances of each situation; (ii) the ability to promote conservation and sound water management practices; and (iii) the ability to establish the basis for cooperative partnerships between Indian and non-Indian communities; and

WHEREAS, the successful resolution of certain claims may require "physical solutions," such as development of federal water projects and improved water delivery and application techniques; and

WHEREAS, the United States has developed many major water projects that compete for use of waters claimed by Indians and non-Indians, and has a responsibility to both to assist in resolving such conflicts; and

WHEREAS, the settlement of Native American water claims, and land claims, is one of the most important aspects of the United States' trust obligation to Native Americans and is of vital importance to the country as a whole; and

WHEREAS, current budgetary policy makes it difficult for the Administration, the states and the tribes to negotiate settlements knowing that the settlements may not be funded because funding must be offset by a corresponding reduction in some other tribe or essential Interior Department program.

NOW, THEREFORE, BE IT RESOLVED, that the Western States Water Council reiterates its support for the policy of encouraging negotiated settlements of Indian water rights disputes as the best solution to a critical problem that affects almost all of the Western States; and

BE IT FURTHER RESOLVED, that the Western States Water Council urges the Administration to support its stated policy in favor of Indian land and water settlements with a strong fiscal commitment for meaningful federal contributions to these settlements that recognizes the trust obligations of the United States government; and

BE IT FURTHER RESOLVED, that Congress should explore opportunities to provide funding for the Bureau of Reclamation to undertake project construction related to settlements from revenues accruing to the Reclamation Fund, recognizing the existence of other legitimate needs that may be financed by these reserves.

BE IT FURTHER RESOLVED, that steps be taken to change current budgetary policy to ensure that any land or water settlement, once authorized by the Congress and ap-

proved by the President, will be funded without a corresponding offset to some other tribe or essential Interior Department program.

THE NATIONAL CONGRESS OF AMERICAN INDIANS
RESOLUTION NO. DEN-07-069—USE OF
THE RECLAMATION FUND FOR INDIAN WATER
RIGHTS SETTLEMENTS

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the settlement of Indian water rights claims is one of the most important aspects of the United States' trust obligations to Native Americans and is of vital importance to the country as a whole; and

WHEREAS, despite the Department of the Interior's (DOI's) long-standing policy favoring the settlement of Indian water rights claims, the Administration has taken an increasingly narrow and restrictive view of its responsibility to fund Indian water rights settlements; and

WHEREAS, under current budgetary policy of the Administration, funding of Indian water rights settlements must be offset by a corresponding reduction in some other discretionary component of the DOI's budget, putting Indian tribes in the untenable position of having to seek funding of these settlements at the expense of some other tribe or essential DOI program; and

WHEREAS, there are currently three Indian water rights settlements affecting six tribes already signed and completed in New Mexico for which federal funding is necessary, including the Aamodt settlement, to which the Pueblo of Tesuque is a signatory; and

WHEREAS, nationwide many other tribes are working on water settlements for which federal funding is necessary; and

WHEREAS, under the Reclamation Act of June 17, 1902, the Reclamation Fund was envisioned as the principal source of funds to finance water development in the seventeen western states, with revenues accruing from project water and power sales, project repayments and receipts from public land sales, federal oil and mineral-related royalties, and other related sources; and

WHEREAS, the unobligated balance in the Reclamation Fund has grown annually in recent years and should serve as a source of funding for Indian water rights settlements.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the policy of encouraging negotiated settlements of Indian water rights disputes as the best solution to a critical problem that affects almost all of the western states of the United States; and

BE IT FURTHER RESOLVED, that the NCAI urges the Administration to support its stated policy in favor of Indian water rights settlements with a strong fiscal commitment for meaningful federal contributions to these settlements that recognizes

the trust obligations of the United States government; and

BE IT FURTHER RESOLVED, that the NCAI supports changing the current budgetary policy to ensure that any Indian water rights settlement, once authorized by the Congress and approved by the President, will be funded without a corresponding offset to some other tribe or essential DOI program; and

BE IT FURTHER RESOLVED, that the NCAI supports allocation of sources of revenue for the Reclamation Fund to be used to fund Indian water rights settlements and respectfully requests that Congress and the Administration support allocation of monies from the Reclamation Fund or sources paid into it to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that the NCAI commits to advocate to the Administration, including the Office of Management and Budget, and Congress that the Reclamation Fund be used to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that within four months the NCAI will convene a special water rights meeting with affected tribes and invite key federal agencies to participate. After the initial meeting, NCAI will convene a special water rights meeting at least annually, and report progress to tribal leaders on this resolution at every regular meeting; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, it is my pleasure to yield to the lead sponsor of this legislation, Mr. BEN RAY LUJÁN.

Mr. LUJÁN. Mr. Speaker, I rise today in support of H.R. 3342, the Aamodt Litigation Settlement Act. Before I begin, I would like to thank my colleagues on the Resource Committee: Chairman RAHALL; Chairwoman Napolitano; my colleague from New Mexico, Mr. HEINRICH; and Ranking Member HASTINGS.

I also want to thank the Tesuque Acequia Association; David Ortiz and the Rio Pojoaque Acequia and Well Water Association; D.L. Sanders and the office of the New Mexico State Engineer; Santa Fe County, the city of Santa Fe; and the tribal leaders from Nambe, Pojoaque, Tesuque and San Ildefonso. Thank you for your hard work over the past decade to reach these settlements.

The testimony of the settlement parties and tough negotiations and debate has made the consideration of these bills possible today. The parties to this settlement have worked for a very long time to come up with solutions that are equitable and fair to all water users in the Pojoaque Valley, including tribal and non-tribal residents alike.

Our water resources are precious in New Mexico. Without a reliable water supply, we cannot improve human health, protect our cultures and traditions, or grow our economies. This settlement will protect water resources, advance the implementation of effective water management, and ensure future access to water resources for all

residents encompassed by the settlement. That is what makes H.R. 3342, the Aamodt Litigation Settlement Act of 2009, so important.

I would like to submit for the RECORD letters I have received from the State of New Mexico, the County of Santa Fe, the Rio Pojoaque Acequia and Well Water Association, the Tesuque Acequia Association and others who have asked Congress to take a serious look at the importance of approving these settlements because this piece of legislation is so vital to the prolonged existence of culture and agriculture in my district.

It has taken over 40 years, countless court proceedings, congressional hearings and mediations before this bill arrived at this point. The people of the Pojoaque Valley and surrounding communities have debated and negotiated this water settlement since the 1960s. Parties have informed me, Mr. Speaker, if legislative action does not move forward, the Federal Court is prepared to resume legal proceedings on the underlying Aamodt lawsuit. This litigation would have dire effects upon all non-water rights holders in the basin and incur tremendous court costs and legal fees on American taxpayers. The cost to the government of continued litigation would, and probably will, exceed the cost of the settlement itself.

We heard today, Mr. Speaker, that we did hear from the Attorney General's office saying that they did prefer this course of action to litigation. Senators BINGAMAN and UDALL of New Mexico introduced legislation in the 110th Congress to enshrine this settlement and conducted hearings before the House Resources Committee and the Senate Committee on Indian Affairs. In the 111th Congress, New Mexico's Senators and I reintroduced this bill with my colleague, MARTIN HEINRICH from New Mexico, with improved revisions that took the considerations of the settlement parties into account; and in doing so, we improved the settlement.

In September, additional hearings were held on this bill, and H.R. 3254 was supported at markup in the Natural Resources Committee by unanimous and bipartisan support. This settlement is about people and the quality of life in small rural communities. The future of this community depends on the availability and dependability of a water supply. This settlement ensures just that.

Rather than continuing a course of costly litigation that could tear a community apart, I ask my colleagues to join me in voting to enact these settlements. Thank you again for the leadership to the members of the Subcommittee on Water and Power and the members of the Natural Resources Committee for their support.

You know, Mr. Speaker, as we talk about water settlements going forward, I know that Democrats and Republicans from this side of the aisle and from the other side of the aisle, we all

have the honor of representing constituencies that include Native Americans and tribal communities. In New Mexico there was a school project. They asked the kids to draw pictures where they get their water from. Most kids in school districts across New Mexico drew pictures of water faucets going into water bottles, things of that nature. There were children from Native American communities who drew pictures of their mother and fathers, brothers and sisters carrying water jugs to get water into their homes. They drew pictures of their fathers driving pickup trucks with large water containers like you would to provide water to animals out on the range.

I hope we don't lose sight, Mr. Speaker, of the fact that water is a very precious resource and there are still many people across this great Nation of ours who don't have access to it.

COUNTY OF SANTA FE,
STATE OF NEW MEXICO,
Santa Fe, NM, January 14, 2010.

Re Support for Aamodt Litigation Settlement Legislation.

Hon. BEN RAY LUJÁN,
Andrew Jones, Legislative Director, Cannon
House Office Bldg., House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LUJÁN: On behalf of Santa Fe County, I want to affirm the County's strong support for the Aamodt Litigation Settlement Act (H.R. 3342). Santa Fe County expresses its great appreciation to you for your continued support of the settlement and urges your help in securing passage of this very important legislation.

As I testified this past session before the House Subcommittee on Water and Power, the settlement will achieve a fair and equitable resolution of the difficult and entrenched water disputes that have plagued the Pojoaque Valley for so many years. Rather than defining winners and losers, the settlement protects existing uses and allows for future growth by careful management of available water resources. At the same time, it recognizes and safeguards time immemorial and senior use priorities of Pueblos and early Spanish acequias. The settlement also creates a reliable supply to more recent domestic and commercial uses, and is flexible enough to account for changing uses in the future. Without settlement, I am certain valley residents will be subjected to intractable and divisive litigation for many years, fostering regional conflict and leaving junior water users at great risk of curtailment.

Also, as I have previously testified, I recognize that some of my non-Pueblo constituents continue to be dissatisfied with the settlement. Consequently, the County will be conducting a series of community outreach and settlement focus meetings in the coming months. We will do this even if the legislation is first enacted into law. The County has contracted with the adjudication ombudsman program at the University of New Mexico to facilitate the community outreach program. The purpose of the meetings will be to hear public concerns and to provide information about the settlement. Ultimately, the settlement must be accepted by the community to succeed.

On behalf of Santa Fe County, I greatly appreciate your help with this matter.

Sincerely,

HARRY B. MONTTOYA,
Santa Fe County Commissioner.

RIO DE TESUQUE ACEQUIA ASSOCIATION,

Santa Fe, NM, January 18, 2010.

DEAR CONGRESSMEN LUJÁN, TEAGUE AND HEINRICH: As president of the board of directors of the Rio De Tesuque Acequia Association, I have been asked to reiterate our support for the proposed settlement agreement of the long standing Aamodt water rights litigation, as per H.R. 3342.

We represent 5 acequias and over 150 irrigation users (parciantes). We have worked with our neighbors at the Tesuque Pueblo for several decades now and we all feel that the settlement represents a good solution for both parties.

The settlement assures all parties a good and reliable water supply for both the acequias and the domestic users. As irrigators, we know the importance of this and know that we cannot be serious about agriculture unless we know we have a reliable source of water.

We appreciate your support and look forward to your vote in support of legislation that will enable the settlement.

Sincerely,

MARGO CUTLER,
President.

Santa Fe, NM, January 18, 2010.

Re H.R. 3342, The Aamodt Litigation Settlement Act.

Hon. BEN RAY LUJÁN,
*Cannon House Office Building,
Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: I write in strong support of H.R. 3342, The Aamodt Litigation Settlement Act. As you know, my Administration has been instrumental in bringing the interested parties together to reach a settlement and potential closure to this matter. I have witnessed the extraordinary effort that all of the parties have exerted to successfully resolve some of the most contentious issues related to the Aamodt litigation. The parties' commitment to resolution is commendable and should be recognized. Should Congress not pass this Act, it will not only be disappointing to all involved but could also open all of the parties up to more litigation and costly delay.

For its part, New Mexico stands ready to meet its obligations under any settlement. Through legislation that I supported and ultimately signed into law, the State has already committed in statute \$1.0 million in bonding authority as part of the State's share of any settlement. As such, the State is ready to assist in the implementation of any settlement achieved through the passage of H.R. 3342.

Passage of this bill would not only end more than forty years of contentious litigation, but would render a conclusion that is amenable to many. I urge you and your colleagues to pass H.R. 332 and I offer any support that you may need to achieve this worthy goal.

Sincerely,

BILL RICHARDSON,
Governor.

RIO POJOAQUE ACEQUIA
AND WATER WELL USERS ASSOCIATION,
January 14, 2010.

Hon. BEN RAY LUJÁN,
*Attention Andrew Jones, Legislative Director,
House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: On behalf of the Rio Pojoaque Acequia and Water Well Users Association, I am writing to you to reiterate our strong support for the Aamodt Litigation Settlement Act (H.R. 3342), legislation you introduced in July 2009 and favorably reported by the Committee on Natural Resources on January 12, 2010.

I understand the House of Representatives will consider this important legislation when

it resumes legislative business during the week of January 18, 2010. As you know well, this legislation would ratify the settlement of a Federal lawsuit that was filed in 1966. The settlement itself subject to years of intense negotiations by the State of New Mexico, the City and County of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque and others and was signed by these parties in 2006.

In addition to resolving the water claims of the Four Pueblos and providing certainty in terms of long-term water supplies in the region, the centerpiece of H.R. 3342 is the construction of a regional water system that will provide water for residential, municipal, agricultural, and business uses and will serve the Pueblo and non-Pueblo residents in the Pojoaque Basin. I feel compelled to remind you that in the absence of congressional action on H.R. 3342, the parties would return to court and, given the priority of the Pueblos' water rights, the resulting ruling would likely be far more detrimental to the other water users in the Basin.

Thank you for your commitment to settling the Aamodt litigation and your strong support for the citizens of the Pojoaque Basin.

Sincerely,

MEADE P. MARTIN,
*Vice President, Rio Pojoaque Acequia
and Water Well Users Association.*

POJOAQUE VALLEY
IRRIGATION DISTRICT,
Santa Fe, NM, January 14, 2010.

Hon. BEN RAY LUJÁN,
*Attention Andrew Jones, Legislative Director,
House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: On behalf of the 18 acequia associations and over 700 water users that comprise the Pojoaque Valley Irrigation District, I am writing to you to reiterate our strong support for the Aamodt Litigation Settlement Act (H.R. 3342), legislation you introduced in July 2009 and favorably reported by the Committee on Natural Resources on January 12, 2010.

I understand the House of Representatives will consider this important legislation when it resumes legislative business during the week of January 18, 2010. As you know well, this legislation would ratify the settlement of a Federal lawsuit that was filed in 1966. The settlement itself subject to years of intense negotiations by the State of New Mexico, the City and County of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque and others and was signed by these parties in 2006.

In addition to resolving the water claims of the Four Pueblos and providing certainty in terms of long-term water supplies in the region, the centerpiece of H.R. 3342 is the construction of a regional water system that will provide water for residential, municipal, agricultural, and business uses and will serve the Pueblo and non-Pueblo residents in the Pojoaque Basin. I feel compelled to remind you that in the absence of congressional action on H.R. 3342, the parties would return to court and, given the priority of the Pueblos' water rights, the resulting ruling would likely be far more detrimental to the other water users in the Basin.

Thank you for your commitment to settling the Aamodt litigation and your strong support for the citizens of the Pojoaque Basin.

Sincerely,

DAVID ORTIZ,
*Chairman,
Pojoaque Valley Irrigation.*

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the issue that we are debating here is not the settlement claims per se. I think we all in this House agree that if you can get agreement with parties involved in litigation and come to agreement amongst them, that is good policy. That has very well been explained by my friends on the other side of the aisle. But what is at issue here is the third part, and that is: Is this claim going to be beneficial to the taxpayers by not costing the taxpayers more than if they went through litigation? That is what the issue is. It is very clear.

Now, the gentleman from New Mexico just a moment ago said something to the effect that this would save the taxpayers money by not going through litigation. I would like to ask the gentleman, and I will yield to the gentleman if he can provide me documents as to that fact. I would be more than happy to yield to the gentleman if he can provide that to me.

Mr. LUJÁN. I appreciate the ranking member from the Natural Resources Committee yielding to me.

Mr. Speaker, what we have here is clear language on the dockets of the State of New Mexico that has been expressed by many of the parties which encouraged them to go to litigation, that very much do hold—that senior water rights holders in the State of New Mexico, which these tribal communities are, do hold senior water rights.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, the question I asked the gentleman was about a statement that he made that it would be more costly to go through litigation than to settlement. I asked the gentleman very specifically if he has documentation to that effect. And so I hope that the gentleman would respond to me on that point because that is the difference in this debate on this bill and the last bill.

I would be more than happy to yield to the gentleman if he has that documentation.

Mr. LUJÁN. Mr. Speaker, as we are talking about the importance of how we can achieve cost savings to taxpayers across the country, it is important that we understand the laws and the protections that are held to those individuals that are senior water rights users, which clearly is the reason why so many people could be impacted. And as litigation continues, the cost of litigation adds additional cost to the taxpayers of the country.

Mr. HASTINGS of Washington. Mr. Speaker, I want to interrupt.

Do you have documentation to that point? We asked the Department of Justice specifically on that point, and they have not responded. Do you have documentation on that point? Listen, if this saves the taxpayer money, I am totally in favor of it. All we are asking is for that documentation. If the gentleman has it, please provide it. Does the gentleman have it?

I yield to the gentleman from New Mexico.

Mr. LUJÁN. Mr. Speaker, it is clear that I don't have the response that my ranking member colleague may be looking for. But his counsel may inform him as well as our counsel has informed us that some of that documentation is not public record at this time. With that, I tried to answer the question, but I apologize to the ranking member that we are not able to provide the answer that the ranking member may be looking for.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, I just want to emphasize, this is the core point. The gentleman just said he doesn't have it, and yet we are being asked here, Members of the U.S. House, representing everybody in this country, taxpayers who may not be involved with this, to pass judgment and support this settlement agreement when we don't know if the cost is beneficial or not. That's the issue.

I would hope, as I said in my closing remarks on the first bill, when we have future settlements coming forward we can have this information, full transparency, Mr. Speaker, in committee so we don't have to go through this drill on the floor and go back and forth and then unfortunately have somebody say we don't have this documentation.

Mr. Speaker, that's the issue here. We are not arguing about the benefits of the claims. I am sure that they are very good. There have been long negotiations.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy once again to yield such time as he may consume to the cosponsor of this litigation, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Speaker, I am very pleased to stand in solidarity with my colleague, Representative BEN RAY LUJÁN, in bringing this very challenging chapter in New Mexico history to a close. I also want to thank Chairman RAHALL and Chairwoman Napolitano for their support of this settlement.

The Aamodt water rights litigation is literally the oldest active case in our Nation's Federal Court, literally older than myself and my colleague. Since 1966, these communities have waited for a resolution to this case. The bill here before us represents the culmination of decades of hard work and difficult compromise by the effective stakeholders to negotiate an agreement that meets each community's long-term needs.

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During the committee hearings we heard from representatives of local, State, and Pueblo governments. And I want to commend each of them for their enduring efforts to achieve this settlement.

The Aamodt water settlement will enable the Secretary of Interior, through the Bureau of Reclamation, to create a long-awaited regional water

system. That system will be jointly operated by Santa Fe County, along with the four northern New Mexico Pueblos, and provide a great deal of certainty to all Rio Grande water users. Sixty percent of its capacity will deliver water to the Pueblos, 40 percent will go to the county water utility.

This legislation has been a generation or more in the making, and I look forward to its long-awaited contribution to the well-being of the Pueblos and the future of the entire State of New Mexico.

I would urge my colleagues' support.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of the idea of transparency in this and in all things. I think that some observers may not appreciate the issues that are before us when we are dealing with Indian rights, whether it is settlement or something else, because of the unique situation of Native Americans in the United States and how the relationship that we have with the Indian Nations is as a result directly of the Constitution of the United States.

Often it is good for us to remind ourselves of the first principles involved when we are dealing with these issues. And therefore, Mr. Speaker, I would like to also mention that today, in a blow for freedom, in a tremendous action of a return to first principles under the Constitution, the United States Supreme Court finally got it right. The United States Supreme Court, in the case of *Citizens United v. Federal Election Commission*, finally focused on the first amendment and talked about the essence of the first amendment being political speech.

We have been distracted so often in other decisions by the Court that they have lost in many times their focus on the fact that the first amendment is in essence a protection of our political speech. And today they overruled a previous case where they had wandered from that. They said to us that Congress cannot in fact make choices between preferred speakers and nonpreferred speakers, preferred organizations and nonpreferred organizations.

And here is one of the kernels of truth contained in today's majority opinion. "Political speech is so ingrained in this country's culture that speakers find ways around campaign finance laws." That oftentimes in this body we, in the effort to try and cleanse the political system from the possibility of people who might take undue advantage of it, render political speech to the sidelines. And the Court has said the people are smarter than that. They can get around that, and therefore we ought to attempt to allow the full flowering of political speech.

The Court also said this. "Rapid changes to technology—and the creative dynamic inherent in the concept of free expression—counsel against up-

holding a law that restricts political speech in certain media or by certain speakers." This is a great day, Mr. Speaker. This is a great day. The Court said, "Differential treatment of media corporations and other corporations cannot be squared with the first amendment, and there is no support for the view that the amendment's original meaning would permit suppressing media corporations' political speech."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. It is said that their previous decision in *Austin* allows "censorship that is vast in its reach, suppressing the speech of both for-profit and non-profit, both small and large, corporations."

Earlier this week the people of Massachusetts reminded us that here the people prevail, that the Constitution starts with the words, "We, the people." That despite what the pundits say, despite what special interests say, the people prevail. Today the Supreme Court said the people can speak. It is a great day.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I am prepared to yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, if I understand, the gentleman will be the last speaker. I know my friend Mr. MCCLINTOCK is not going to offer his amendment. So I will close and I will yield myself the balance of the time by simply saying, Mr. Speaker, that the issue here is not the benefits of these settlements. We think those settlements are good. The one element that we have a question on is what is the cost to the taxpayer? I think that is a very, very legitimate issue for us in the U.S. House to consider.

So with that reason, as I mentioned earlier, I have to reluctantly oppose all three of these bills. And I would hope in the future at the committee level we can have this full transparency on future settlements that we will inevitably have in this Congress.

With that, Mr. Speaker, I urge my colleagues to vote "no" on this bill, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, just to conclude and reiterate what I have already said, that 44 years of litigation is far too long, 40 years of litigation is far too long. We all know the tremendous costs involved in litigation to the Federal taxpayer, the amount of salaries paid to judges, lawyers. We could go on and on about the costs that the taxpayer ends up bearing over some 44 years of litigation, longer time period than Moses spent in the desert. So with that, I would say that this bill is certainly economical to the American taxpayers, and I would urge its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part C of House Report 111-399, is adopted.

The text of the bill, as amended, is as follows:

H.R. 1065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “White Mountain Apache Tribe Water Rights Quantification Act of 2009”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) proceedings to determine the nature and extent of the water rights of the White Mountain Apache Tribe, members of the Tribe, the United States, and other claimants are pending in—

(A) the consolidated civil action in the Superior Court of the State of Arizona for the County of Maricopa styled *In re the General Adjudication of All Rights To Use Water In The Gila River System and Source*, W-1 (Salt), W-2 (Verde), W-3 (Upper Gila), W-4 (San Pedro); and

(B) the civil action pending in the Superior Court of the State of Arizona for the County of Apache styled *In re the General Adjudication of All Rights to Use Water in the Little Colorado River System and Source* and numbered CIV-6417;

(2) a final resolution of those proceedings might—

(A) take many years;

(B) entail great expense; and

(C) prolong uncertainty concerning the availability of water supplies;

(3) the Tribe, non-Indian communities located near the reservation of the Tribe, and other Arizona water users have entered into the WMAT Water Rights Quantification Agreement—

(A) to permanently quantify the water rights of the Tribe, members of the Tribe, and the United States in its capacity as trustee for the Tribe and members in accordance with the Agreement; and

(B) to seek funding, in accordance with applicable law, for the implementation of the Agreement;

(4) it is the policy of the United States to quantify and settle Indian water rights claims, and to promote Indian self-determination and economic self-sufficiency, without lengthy and costly litigation, if practicable;

(5) certainly concerning the extent of the water rights of the Tribe will—

(A) provide opportunities for economic development of all parties to the proceeding; and

(B) assist the Tribe to achieve self-determination and self-sufficiency; and

(6) in keeping with the trust responsibility of the United States to Indian tribes, and to promote tribal sovereignty and economic self-sufficiency, it is appropriate that the United States implement the Agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize, ratify, and confirm the Agreement;

(2) to authorize and direct the Secretary to execute the Agreement and carry out all obligations of the Secretary under the Agreement;

(3) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act; and

(4) to permanently resolve certain damage claims and all water rights claims among—

(A) the Tribe and its members;

(B) the United States in its capacity as trustee for the Tribe and its members;

(C) the parties to the Agreement; and

(D) all other claimants in the proceedings referred to in subsection (a)(1).

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The “Agreement” means—

(A) the WMAT Water Rights Quantification Agreement dated January 13, 2009; and

(B) any amendment or exhibit (including exhibit amendments) to that agreement that are—

(i) made in accordance with this Act; or

(ii) otherwise approved by the Secretary.

(2) BUREAU.—The term “Bureau” means the Bureau of Reclamation.

(3) CAP.—The term “CAP” means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(4) CAP CONTRACTOR.—The term “CAP contractor” means an individual or entity that has entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) CAP FIXED OM&R CHARGE.—The term “CAP fixed OM&R charge” has the meaning given the term in the repayment stipulation.

(6) CAP M&I PRIORITY WATER.—The term “CAP M&I priority water” means the CAP water having a municipal and industrial delivery priority under the repayment contract.

(7) CAP SUBCONTRACTOR.—The term “CAP subcontractor” means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for the delivery of water through the CAP system.

(8) CAP SYSTEM.—The term “CAP system” means—

(A) the Mark Wilmer Pumping Plant;

(B) the Hayden-Rhodes Aqueduct;

(C) the Fannin-McFarland Aqueduct;

(D) the Tucson Aqueduct;

(E) any pumping plant or appurtenant works of a feature described in any of subparagraphs (A) through (D); and

(F) any extension of, addition to, or replacement for a feature described in any of subparagraphs (A) through (E).

(9) CAP WATER.—The term “CAP water” means “Project Water” (as that term is defined in the repayment stipulation).

(10) CONTRACT.—The term “Contract” means—

(A) the proposed contract between the Tribe and the United States attached as exhibit 7.1 to the Agreement and numbered 08-XX-30-W0529; and

(B) any amendments to that contract.

(11) DISTRICT.—The term “District” means the Central Arizona Water Conservation District, a political subdivision of the State that is the contractor under the repayment contract.

(12) ENFORCEABILITY DATE.—The term “enforceability date” means the date described in section 9(d)(1).

(13) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(14) INJURY TO WATER RIGHTS.—

(A) IN GENERAL.—The term “injury to water rights” means an interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) INCLUSIONS.—The term “injury to water rights” includes—

(i) a change in the groundwater table; and

(ii) any effect of such a change.

(C) EXCLUSION.—The term “injury to water rights” does not include any injury to water quality.

(15) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—The term “Lower Colorado River Basin Development Fund” means the fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543).

(16) OFF-RESERVATION TRUST LAND.—The term “off-reservation trust land” means land—

(A) located outside the exterior boundaries of the reservation that is held in trust by the United States for the benefit of the Tribe as of the enforceability date; and

(B) depicted on the map attached to the Agreement as exhibit 2.57.

(17) OPERATING AGENCY.—The term “Operating Agency” means the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system.

(18) REPAYMENT CONTRACT.—The term “repayment contract” means—

(A) the contract between the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14-06-W-245 (Amendment No. 1), and dated December 1, 1988; and

(B) any amendment to, or revision of, that contract.

(19) REPAYMENT STIPULATION.—The term “repayment stipulation” means the stipulated judgment and the stipulation for judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled *Central Arizona Water Conservation District v. United States*, et al., and numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

(20) RESERVATION.—

(A) IN GENERAL.—The term “reservation” means the land within the exterior boundary of the White Mountain Indian Reservation established by the Executive order dated November 9, 1871, as modified by subsequent Executive orders and Acts of Congress—

(i) known on the date of enactment of this Act as the “Fort Apache Reservation” pursuant to the Act of June 7, 1897 (30 Stat. 62, chapter 3); and

(ii) generally depicted on the map attached to the Agreement as exhibit 2.81.

(B) NO EFFECT ON DISPUTE OR AS ADMISSION.—The depiction of the reservation described in subparagraph (A)(ii) shall not—

(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; and

(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.

(21) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(22) STATE.—The term “State” means the State of Arizona.

(23) TRIBAL CAP WATER.—The term “tribal CAP water” means the CAP water to which the Tribe is entitled pursuant to the Contract.

(24) TRIBAL WATER RIGHTS.—The term “tribal water rights” means the water rights of the Tribe described in paragraph 4.0 of the Agreement.

(25) TRIBE.—The term “Tribe” means the White Mountain Apache Tribe organized under section 16 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 476).

(26) WATER RIGHT.—The term “water right” means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

(27) WMAT RURAL WATER SYSTEM.—The term “WMAT rural water system” means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 7.

(28) YEAR.—The term “year” means a calendar year.

SEC. 4. APPROVAL OF AGREEMENT.

(a) APPROVAL.—

(1) IN GENERAL.—Except to the extent that any provision of the Agreement conflicts with a provision of this Act, the Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Agreement is authorized, ratified, and confirmed, to the extent that such an amendment is executed to make the Agreement consistent with this Act.

(b) EXECUTION OF AGREEMENT.—To the extent that the Agreement does not conflict with this Act, the Secretary shall—

(1) execute the Agreement (including signing any exhibit to the Agreement requiring the signature of the Secretary); and

(2) execute any amendment to the Agreement necessary to make the Agreement consistent with this Act.

(c) NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) ENVIRONMENTAL COMPLIANCE.—In implementing the Agreement, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) EXECUTION OF AGREEMENT.—

(A) IN GENERAL.—Execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ENVIRONMENTAL COMPLIANCE.—The Secretary shall carry out all necessary environmental compliance required by Federal law in implementing the Agreement.

(3) LEAD AGENCY.—The Bureau shall serve as the lead agency with respect to ensuring environmental compliance associated with the WMAT rural water system.

SEC. 5. WATER RIGHTS.

(a) TREATMENT OF TRIBAL WATER RIGHTS.—The tribal water rights—

(1) shall be held in trust by the United States in perpetuity; and

(2) shall not be subject to forfeiture or abandonment.

(b) REALLOCATION.—

(1) IN GENERAL.—In accordance with this Act and the Agreement, the Secretary shall reallocate to the Tribe, and offer to enter into a contract with the Tribe for the delivery in accordance with this section of—

(A) an annual entitlement to 23,782 acre-feet per year of CAP water that has a non-Indian agricultural delivery priority (as defined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3488), of which—

(i) 3,750 acre-feet per year shall be firmed by the United States for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(1)(B) of that Act (118 Stat. 3492); and

(ii) 3,750 acre-feet per year shall be firmed by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and

(B) an annual entitlement to 1,218 acre-feet per year of the water—

(i) acquired by the Secretary through the permanent relinquishment of the Harquahala Valley Irrigation District CAP subcontract entitlement in accordance with the contract numbered 3-07-30-W0290 among the District, Harquahala Valley Irrigation District, and the United States; and

(ii) converted to CAP Indian Priority water (as defined in the Contract) pursuant to the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101-628; 104 Stat. 4480).

(2) AUTHORITY OF TRIBE.—Subject to approval by the Secretary under section 6(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) WATER SERVICE CAPITAL CHARGES.—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) ALLOCATION AND REPAYMENT.—For the purpose of determining the allocation and repayment of costs of any stages of the CAP constructed after November 21, 2007, the costs associated with the delivery of water described in subsection (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any assignment, exchange, lease, option to lease, or other agreement for the temporary disposition of water entered into by Tribe, shall be—

(1) nonreimbursable; and

(2) excluded from the repayment obligation of the District.

(e) WATER CODE.—Not later than 18 months after the enforceability date, the Tribe shall enact a water code that—

(1) governs the tribal water rights; and

(2) includes, at a minimum—

(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;

(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;

(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to diversions and depletions on other non-historically irrigated land not located on the watershed of the same water source; and

(D) provisions requiring the authorization of the Tribe for all diversions of water on the reservation and on off-reservation trust land by any individual or entity other than the Tribe.

SEC. 6. CONTRACT.

(a) IN GENERAL.—The Secretary shall enter into the Contract, in accordance with the Agreement, to provide, among other things, that—

(1) the Tribe, on approval of the Secretary, may—

(A) enter into contracts or options to lease, contracts to exchange, or options to exchange tribal CAP water in Maricopa, Pinal, Pima, and Yavapai Counties in the State providing for the temporary delivery to any individual or entity of any portion of the tribal CAP water, subject to the condition that—

(i) the term of the contract or option to lease shall not be longer than 100 years;

(ii) the contracts or options to exchange shall be for the term provided in the contract or option; and

(iii) a lease or option to lease providing for the temporary delivery of tribal CAP water shall require the lessee to pay to the Operating Agency all CAP fixed OM&R charges and all CAP pumping energy charges (as defined in the repayment stipulation) associated with the leased water; and

(B) renegotiate any lease at any time during the term of the lease, subject to the condition that the term of the renegotiated lease shall not exceed 100 years;

(2) no portion of the tribal CAP water may be permanently alienated;

(3)(A) the Tribe (and not the United States in any capacity) shall be entitled to all consideration due to the Tribe under any contract or option to lease or exchange tribal CAP water entered into by the Tribe; and

(B) the United States (in any capacity) has no trust or other obligation to monitor, administer, or account for, in any manner—

(i) any funds received by the Tribe as consideration under a contract or option to lease or exchange tribal CAP water; or

(ii) the expenditure of those funds;

(4)(A) all tribal CAP water shall be delivered through the CAP system; and

(B) if the delivery capacity of the CAP system is significantly reduced or anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same CAP delivery rights as a CAP contractor or CAP subcontractor that is allowed to take delivery of water other than through the CAP system;

(5) the Tribe may use tribal CAP water on or off the reservation for any purpose;

(6) as authorized by subsection (f)(2)(A) of section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) and to the extent that funds are available in the Lower Colorado River Basin Development Fund established by subsection (a) of that section, the United States shall pay to the Operating Agency the CAP fixed OM&R charges associated with the delivery of tribal CAP water (except in the case of tribal CAP water leased by any individual or entity);

(7) the Secretary shall waive the right of the Secretary to capture all return flow from project exchange water flowing from the exterior boundary of the reservation; and

(8) no CAP water service capital charge shall be due or payable for the tribal CAP water, regardless of whether the water is delivered for use by the Tribe or pursuant to a contract or option to lease or exchange tribal CAP water entered into by the Tribe.

(b) REQUIREMENTS.—The Contract shall be—

(1) for permanent service (within the meaning of section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)); and

(2) without limit as to term.

(c) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of this Act, the Contract is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Contract is authorized, ratified, and confirmed, to the extent that such an amendment is executed to make the Contract consistent with this Act.

(d) **EXECUTION OF CONTRACT.**—To the extent that the Contract does not conflict with this Act, the Secretary shall execute the Contract.

(e) **PAYMENT OF CHARGES.**—The Tribe, and any recipient of tribal CAP water through a contract or option to lease or exchange, shall not be obligated to pay a water service capital charge or any other charge, payment, or fee for CAP water, except as provided in an applicable lease or exchange agreement.

(f) **PROHIBITIONS.**—

(1) **USE OUTSIDE STATE.**—No tribal CAP water may be leased, exchanged, forborne, or otherwise transferred by the Tribe in any way for use directly or indirectly outside the State.

(2) **USE OFF RESERVATION.**—Except as authorized by this section and paragraph 4.7 of the Agreement, no tribal water rights under this Act may be sold, leased, transferred, or used outside the boundaries of the reservation or off-reservation trust land other than pursuant to an exchange.

(3) **AGREEMENTS WITH ARIZONA WATER BANKING AUTHORITY.**—Nothing in this Act or the Agreement limits the right of the Tribe to enter into an agreement with the Arizona Water Banking Authority established by section 45-2421 of the Arizona Revised Statutes (or any successor entity), in accordance with State law.

(g) **LEASES.**—

(1) **IN GENERAL.**—To the extent the leases of tribal CAP Water by the Tribe to the District and to any of the cities, attached as exhibits to the Agreement, are not in conflict with the provisions of this Act—

(A) those leases are authorized, ratified, and confirmed; and

(B) the Secretary shall execute the leases.

(2) **AMENDMENTS.**—To the extent that amendments are executed to make the leases described in paragraph (1) consistent with this Act, those amendments are authorized, ratified, and confirmed.

SEC. 7. AUTHORIZATION OF RURAL WATER SYSTEM.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary, acting through the Bureau, shall plan, design, construct, operate, maintain, replace, and rehabilitate the WMAT rural water system as generally described in the project extension report dated February 2007.

(b) **COMPONENTS.**—The WMAT rural water system under subsection (a) shall consist of—

(1) a dam and storage reservoir, pumping plant, and treatment facilities located along the North Fork White River near the community of Whiteriver;

(2) pipelines extending from the water treatment plants to existing water distribution systems serving the Whiteriver, Carrizo, and Cibecue areas, together with other communities along the pipeline;

(3) connections to existing distribution facilities, including public and private water systems in existence on the date of enactment of this Act;

(4) appurtenant buildings and access roads;

(5) electrical power transmission and distribution facilities necessary for services to rural water system facilities;

(6) all property and property rights necessary for the facilities described in this subsection; and

(7) such other project components as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the portions of the reservation served by the WMAT rural water system, including water storage tanks, water lines, and other facilities for the Tribe and the villages and towns on the reservation.

(c) **SERVICE AREA.**—The service area of the WMAT rural water system shall be as described in the Project Extension report dated February 2007.

(d) **CONSTRUCTION REQUIREMENTS.**—The components of the WMAT rural water system shall

be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the WMAT rural water system service area during the period beginning on the date of enactment of this Act and ending not earlier than December 31, 2040.

(e) **TITLE.**—

(1) **IN GENERAL.**—Title to the WMAT rural water system shall be held in trust by the United States in its capacity as trustee for the Tribe.

(2) **CONVEYANCE TO TRIBE.**—The Secretary may convey to the Tribe title to the WMAT rural water system after publication by the Secretary in the Federal Register of a statement of findings that—

(A) the designers' operating criteria, standing operating procedures, emergency action plan, and first filling and monitoring criteria are established and in place, and the WMAT rural water system has been declared substantially complete;

(B) the funds authorized to be appropriated under section 12(b)(3)(B) have been appropriated and deposited in the WMAT Maintenance Fund; and

(C) the Tribe has been operating successfully under the established standing operating procedures for a period of 5 calendar years.

(3) **ALIENATION AND TAXATION.**—Conveyance of title to the Tribe pursuant to paragraph (2) does not waive or alter any applicable Federal law prohibiting alienation or taxation of the WMAT rural water system or the underlying reservation land.

(f) **TECHNICAL ASSISTANCE.**—The Secretary shall provide such technical assistance as is necessary to enable the Tribe to plan, design, construct, operate, maintain, and replace the WMAT rural water system, including operation and management training.

(g) **APPLICABILITY OF ISDEAA.**—

(1) **AGREEMENT FOR SPECIFIC ACTIVITIES.**—On receipt of a request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into an agreement with the Tribe to carry out the activities authorized by this section.

(2) **CONTRACTS.**—Any contract entered into pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of carrying out any provision of this Act shall incorporate such provisions regarding periodic payment of funds, timing for use of funds, transparency, oversight, reporting, and accountability as the Secretary determines to be necessary (at the sole discretion of the Secretary) to ensure appropriate stewardship of Federal funds.

(h) **CONDITION.**—As a condition of construction of the facilities authorized by this section, the Tribe shall provide, at no cost to the Secretary, all land or interests in land, as appropriate, that the Secretary identifies as being necessary for those facilities.

(i) **OPERATION AND MAINTENANCE.**—Subject to the availability of appropriations as provided for in section 12(e), the Secretary, acting through the Bureau, shall operate and maintain the WMAT rural water system until the date on which title to the WMAT rural water system is conveyed to the Tribe pursuant to subsection (e)(2).

SEC. 8. SATISFACTION OF CLAIMS.

(a) **IN GENERAL.**—The benefits realized by the Tribe and its members under this Act shall be in full satisfaction of all claims of the Tribe and its members for water rights and injury to water rights, except as set forth in the Agreement, under Federal, State, or other law with respect to the reservation and off-reservation trust land.

(b) **USES OF WATER.**—All uses of water on land outside of the reservation, if and when such land is subsequently and finally determined to be part of the reservation through reso-

lution of any dispute between the Tribe and the United States over the location of the reservation boundary, and any fee land within the reservation put into trust and made part of the reservation, shall be subject to the maximum annual diversion amounts and the maximum annual depletion amounts specified in the Agreement.

(c) **NO RECOGNITION OF WATER RIGHTS.**—Notwithstanding subsection (a), nothing in this Act has the effect of recognizing or establishing any right of a member of the Tribe to water on the reservation.

SEC. 9. WAIVER AND RELEASE OF CLAIMS.

(a) **IN GENERAL.**—

(1) **CLAIMS AGAINST THE STATE AND OTHERS.**—Except as provided in subsection (b)(1), the Tribe, on behalf of itself and its members, and the United States, acting in its capacity of trustee for the Tribe and its members, as part of the performance of their obligations under the Agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), or any other person, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims for injury to water rights for the reservation and off-reservation trust land arising from time immemorial through the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe and its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from off-reservation diversion or use of water in a manner not in violation of the Agreement or State law; and

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this Act.

(2) **CLAIMS AGAINST TRIBE.**—Except as provided in subsection (b)(3), the United States, in all its capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the Tribe, its members, or any agency, official, or employee of the Tribe, under Federal, State, or any other law for all—

(A) past and present claims for injury to water rights resulting from the diversion or use of water on the reservation and on off-reservation trust land arising from time immemorial through the enforceability date;

(B) claims for injury to water rights arising after the enforceability date resulting from the diversion or use of water on the reservation and on off-reservation trust land in a manner not in violation of the Agreement; and

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this Act.

(3) **CLAIMS AGAINST UNITED STATES.**—Except as provided in subsection (b)(2), the Tribe, on behalf of itself and its members, as part of the performance of the obligations of the Tribe under the Agreement, is authorized to execute a waiver and release of any claim against the United

States, including agencies, officials, or employees of the United States (except in the capacity of the United States as trustee for other Indian tribes), under Federal, State, or other law for any and all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from the off-reservation diversion or use of water in a manner not in violation of the Agreement or applicable law;

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgment or decree, or this Act;

(D) past and present claims relating in any manner to pending litigation of claims relating to the water rights of the Tribe for the reservation and off-reservation trust land;

(E) past and present claims relating to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective on the full appropriation and payment to the Tribe of \$4,950,000 authorized by section 12(b)(2)(B);

(F) future claims relating to operation, maintenance, and replacement of the WMAT rural water system, which waiver shall only become effective on the full appropriation of funds authorized by section 12(b)(3)(B) and the deposit of those funds in the WMAT Maintenance Fund;

(G) past and present breach of trust and negligence claims for damage to the land and natural resources of the Tribe caused by riparian and other vegetative manipulation by the United States for the purpose of increasing water runoff from the reservation that first accrued at any time prior to the enforceability date; and

(H) past and present claims for trespass, use, and occupancy of the reservation in, on, and along the Black River that first accrued at any time prior to the enforceability date.

(b) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—

(1) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AND UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and release of claims authorized under subsection (a)(1), the Tribe, on behalf of itself and the members of the Tribe, and the United States, acting as trustee for the Tribe and members of the Tribe, shall retain any right—

(i) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and mem-

bers of the Tribe under the Agreement or this Act in any Federal or State court of competent jurisdiction;

(ii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(iv) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(v) to participate in the Gila River adjudication proceedings and the Little Colorado River adjudication proceedings to the extent provided in subparagraph 14.1 of the Agreement;

(vi) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(vii) to assert any past, present, or future claim for injury to water rights against any other Indian tribe, Indian community or nation, dependent Indian community, allottee, or the United States on behalf of such a tribe, community, nation, or allottee; and

(viii) to assert any past, present, or future claim for trespass, use, and occupancy of the reservation in, on, or along the Black River against Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities.

(B) AGREEMENT.—On terms acceptable to the Tribe and the United States, the Tribe and the United States are authorized to enter into an agreement with Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities, to resolve the claims of the Tribe relating to the trespass, use, and occupancy of the reservation in, on, and along the Black River.

(2) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AGAINST UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(3), the Tribe, on behalf of itself and the members of the Tribe, shall retain any right—

(A) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the Agreement or this Act, in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(C) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(D) to object to any claims by or for any other Indian tribe, Indian community or nation, dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(E) to assert past, present, or future claims for injury to water rights or any other claims other than a claim to water rights, against any other Indian tribe, Indian community or nation, dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(F) to assert claims arising after the enforceability date for injury to water rights resulting from the drilling of wells or pumping of water from land located within national forest land as of the effective date of the Agreement in the south $\frac{1}{2}$ of T. 9 N., R. 24 E.; south $\frac{1}{2}$ of T. 9 N., R. 25 E.; north $\frac{1}{2}$ of T. 8 N., R. 24 E.; north $\frac{1}{2}$ of T. 8 N., R. 25 E., if—

(i) title to that land is no longer retained by the United States; or

(ii) water from that land is transported off the land for municipal or industrial use;

(G) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(H) to assert any other claims not specifically waived under this section; and

(I) to assert any claim arising after the enforceability date for a future taking by the United States of reservation land, off-reservation trust land, or any property rights appurtenant to that land, including any water rights set forth in paragraph 4.0 of the Agreement.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(2), the United States shall retain any right to assert any claim not specifically waived in that subsection.

(c) EFFECTIVENESS OF WAIVER AND RELEASES.—Except as otherwise specifically provided in subparagraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(d) ENFORCEABILITY DATE.—

(1) IN GENERAL.—This section takes effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) to the extent the Agreement conflicts with this Act, the Agreement has been revised through an amendment to eliminate the conflict; and

(ii) the Agreement, as so revised, has been executed by the Secretary, the Tribe, and the Governor of the State;

(B) the Secretary has fulfilled the requirements of sections 5 and 6;

(C) the amount authorized by section 12(a) has been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(D) the State funds described in subparagraph 13.3 of the Agreement have been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 7; and

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts.

(2) FAILURE OF ENFORCEABILITY DATE TO OCCUR.—If, because of the failure of the enforceability date to occur by April 30, 2020, this section does not become effective, the Tribe and its members, and the United States, acting in the capacity of trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) NO RIGHTS TO WATER.—On the occurrence of the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights to water other than those specifically quantified for the Tribe and the United States, acting in the capacity of trustee for the Tribe and its members, for the reservation and off-reservation trust land pursuant to paragraph 4.0 of the Agreement.

(e) UNITED STATES ENFORCEMENT AUTHORITY.—Nothing in this Act or the Agreement affects any right of the United States to take any action, including environmental actions, under any laws (including regulations and the common law) relating to human health, safety, or the environment.

(f) NO EFFECT ON WATER RIGHTS.—Except as provided in paragraphs (1)(A)(ii), (1)(B)(ii), (3)(A)(ii), and (3)(B)(ii) of subsection (a), nothing in this Act affects any rights to water of the Tribe, its members, or the United States acting as trustee for the Tribe and members, for land outside the boundaries of the reservation or the off-reservation trust land.

(g) **ENTITLEMENTS.**—Any entitlement to water of the Tribe, its members, or the United States acting as trustee for the Tribe and members, relating to the reservation or off-reservation trust land shall be satisfied from the water resources granted, quantified, confirmed, or recognized with respect to the Tribe, members, and the United States by the Agreement and this Act.

(h) **OBJECTION PROHIBITED.**—Except as provided in subsection (b)(2)(F), the Tribe and the United States acting as trustee for the Tribe shall not—

(1) object to the usage of any well located outside the boundaries of the reservation or the off-reservation trust land, as in existence on the enforceability date; or

(2) object to, dispute, or challenge after the enforceability date the drilling of any well or the withdrawal and use of water from any well in the Little Colorado River adjudication proceedings, the Gila River adjudication proceedings, or any other judicial or administrative proceeding.

SEC. 10. WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.

(a) **ESTABLISHMENT.**—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “White Mountain Apache Tribe Water Rights Settlement Subaccount”, consisting of—

(1) the amounts made available under subsection (e);

(2) the amounts appropriated to the subaccount pursuant to subsections (a) and (d) of section 12, as applicable; and

(3) such other amounts as are available including the funds provided in subparagraph 13.3 of the Agreement.

(b) **EXPENDITURES AND WITHDRAWALS.**—

(1) **CONTRACTS.**—

(A) **IN GENERAL.**—The Tribe may withdraw any portion of the White Mountain Apache Tribe Water Rights Settlement Subaccount on approval by the Secretary pursuant to the terms of an agreement entered into under section 7(g).

(B) **REQUIREMENTS.**—An agreement entered into under section 7(g) shall require that the Tribe shall use the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount only for the planning, design, and construction of the rural water system, including such sums as are necessary—

(i) for the Bureau to carry out oversight of the planning, design, and construction of the rural water system;

(ii) to repay any outstanding balance on the loan authorized by the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191); and

(iii) to carry out all required environmental compliance activities associated with the planning, design, and construction of the rural water system.

(2) **ENFORCEMENT.**—The Secretary may pursue such judicial remedies and carry out such administrative actions as are necessary to enforce an agreement described in paragraph (1) to ensure that amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount are used in accordance with this section.

(3) **LIABILITY.**—On withdrawal by the Tribe of amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount, the Secretary and the Secretary of the Treasury shall not retain liability for the expenditure or investment of those amounts.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the subaccount under this section that the Tribe does not withdraw pursuant to this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, the amounts remaining in the subaccount will be used.

(C) **APPROVAL.**—The Secretary shall approve an expenditure plan under this paragraph if the Secretary determines that the plan is—

(i) reasonable; and

(ii) consistent with this Act.

(5) **ANNUAL REPORTS.**—The Tribe shall submit to the Secretary an annual report that describes each expenditure from the White Mountain Apache Tribe Water Rights Settlement Subaccount during the year covered by the report.

(c) **PROHIBITION ON PER CAPITA DISTRIBUTIONS.**—No amount of the principal, or the interest or income accruing on the principal, of the White Mountain Apache Tribe Water Rights Settlement Subaccount shall be distributed to any member of the Tribe on a per capita basis.

(d) **AVAILABILITY OF FUNDS.**—

(1) **IN GENERAL.**—Amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount shall not be available for expenditure or withdrawal by the Tribe until the enforceability date.

(2) **INVESTMENT.**—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) **USE OF INTEREST.**—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the later of—

(A) November 1, 2019; and

(B) the enforceability date.

(e) **LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.**—

(1) **IN GENERAL.**—Of amounts in the Lower Colorado River Basin Development Fund made available under section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(D)(vi)), an amount equal to the difference between the balance of the White Mountain Apache Tribe Settlement Subaccount (as of November 1, 2019), and the amount authorized to be appropriated under section 12(a)(1), but not to exceed \$100,000,000, shall be deposited, without further appropriation, in the White Mountain Apache Tribe Settlement Subaccount.

(2) **AVAILABILITY OF FUNDS.**—The funds authorized to be deposited in the White Mountain Apache Tribe Settlement Subaccount pursuant to paragraph (1) shall not be available for expenditure or withdrawal until the later of—

(A) November 1, 2019; and

(B) the enforceability date.

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—

(1) **IN GENERAL.**—In the case of a civil action described in paragraph (2)—

(A) the United States or the Tribe, or both, may be joined in the civil action; and

(B) any claim by the United States or the Tribe to sovereign immunity from the civil action is waived for the sole purpose of resolving any issue regarding the interpretation or enforcement of this Act or the Agreement.

(2) **DESCRIPTION OF CIVIL ACTION.**—A civil action referred to in paragraph (1) is a civil action filed—

(A) by any party to the Agreement or signatory to an exhibit to the Agreement in a United States or State court that—

(i) relates solely and directly to the interpretation or enforcement of this Act or the Agreement; and

(ii) names as a party the United States or the Tribe; or

(B) by a landowner or water user in the Gila River basin or Little Colorado River basin in the State that—

(i) relates solely and directly to the interpretation or enforcement of section 9 of this Act and paragraph 12.0 of the Agreement; and

(ii) names as a party the United States or the Tribe.

(b) **EFFECT OF ACT.**—Nothing in this Act quantifies or otherwise affects any water right or claim or entitlement to water of any Indian tribe, band, or community other than the Tribe.

(c) **LIMITATION ON LIABILITY OF UNITED STATES.**—

(1) **IN GENERAL.**—The United States shall have no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States; or

(B) to review or approve the expenditure of those funds.

(2) **INDEMNIFICATION.**—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to any claim (including claims for takings or breach of trust) arising out of the receipt or expenditure of funds described in paragraph (1)(A).

(d) **APPLICABILITY OF RECLAMATION REFORM ACT.**—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision under Federal law shall not apply to any individual, entity, or land solely on the basis of—

(1) receipt of any benefit under this Act;

(2) the execution or performance of the Agreement; or

(3) the use, storage, delivery, lease, or exchange of CAP water.

(e) **SECRETARIAL POWER SITES.**—The portions of the following named secretarial power site reserves that are located on the Fort Apache Indian Reservation or the San Carlos Apache Reservation, as applicable, shall be transferred and restored into the name of the Tribe or the San Carlos Apache Tribe, respectively:

(1) Lower Black River (T. 3 N., R. 26 E.; T. 3 N., R. 27 E.).

(2) Black River Pumps (T. 2 N., R. 25 E.; T. 2 N., R. 26 E.; T. 3 N., R. 26 E.).

(3) Carrizo (T. 4 N., R. 20 E.; T. 4 N., R. 21 E.; T. 4½ N., R. 19 E.; T. 4½ N., R. 20 E.; T. 4½ N., R. 21 E.; T. 5 N., R. 19 E.).

(4) Knob (T. 5 N., R. 18 E.; T. 5 N., R. 19 E.).

(5) Walnut Canyon (T. 5 N., R. 17 E.; T. 5 N., R. 18 E.).

(6) Gleason Flat (T. 4½ N., R. 16 E.; T. 5 N., R. 16 E.).

(f) **NO EFFECT ON FUTURE ALLOCATIONS.**—Water received under a lease or exchange of tribal CAP water under this Act shall not affect any future allocation or reallocation of CAP water by the Secretary.

(g) **AFTER-ACQUIRED TRUST LAND.**—

(1) **REQUIREMENT OF ACT OF CONGRESS.**—

(A) **LEGAL TITLE.**—After the enforceability date, if the Tribe seeks to have legal title to additional land in the State of Arizona located outside the exterior boundaries of the reservation taken into trust by the United States for its benefit, the Tribe may do so only pursuant to an Act of Congress specifically authorizing the transfer for the benefit of the Tribe.

(B) **EXCEPTIONS.**—Subparagraph (A) shall not apply to—

(i) restoration of land to the reservation subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary unless required by Federal law; or

(ii) off-reservation trust land acquired prior to January 1, 2008.

(2) **WATER RIGHTS.**—

(A) **IN GENERAL.**—Under this section, after-acquired trust land outside the reservation shall not include federally reserved rights to surface water or groundwater.

(B) **RESTORED LAND.**—Land restored to the reservation as the result of resolution of any reservation boundary dispute between the Tribe and the United States, or any fee simple land within the reservation that are placed into trust, shall have water rights pursuant to section 8(b).

(3) **ACCEPTANCE OF LAND IN TRUST STATUS.**—

(A) **IN GENERAL.**—If the Tribe acquires legal fee title to land that is located within the exterior boundaries of the reservation, the Secretary shall accept the land in trust status for the benefit of the Tribe in accordance with applicable

Federal law (including regulations) for such real estate acquisitions.

(B) **RESERVATION STATUS.**—Land taken or held in trust by the Secretary under paragraph (3), or restored to the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

(h) **CONFORMING AMENDMENT.**—Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110–390; 122 Stat. 4191) is amended by striking “January 1, 2013” and inserting “May 1, 2020”.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) **RURAL WATER SYSTEM.**—

(1) **IN GENERAL.**—There is authorized to be appropriated for the planning, engineering, design, environmental compliance, and construction of the WMAT rural water system \$126,193,000.

(2) **INCLUSIONS.**—The amount authorized to be appropriated under paragraph (1) shall include such sums as are necessary, but not to exceed 4 percent of construction contract costs, for the Bureau to carry out oversight of activities for planning, design, environmental compliance, and construction of the rural water system.

(b) **WMAT SETTLEMENT AND MAINTENANCE FUNDS.**—

(1) **DEFINITION OF FUNDS.**—In this subsection, the term “Funds” means—

(A) the WMAT Settlement Fund established by paragraph (2)(A); and

(B) the WMAT Maintenance Fund established by paragraph (3)(A).

(2) **WMAT SETTLEMENT FUND.**—

(A) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “WMAT Settlement Fund”, consisting of such amounts as are deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) **TRANSFERS TO FUND.**—There is authorized to be appropriated to the Secretary \$113,500,000 for deposit in the WMAT Settlement Fund, of which not less than \$4,950,000 shall be used for the rehabilitation of existing irrigation systems.

(C) **USE OF FUNDS.**—The Tribe shall use amounts in the WMAT Settlement Fund for any of the following purposes:

(i) Fish production, including hatcheries.

(ii) Rehabilitation of recreational lakes and existing irrigation systems.

(iii) Water-related economic development projects.

(iv) Protection, restoration, and economic development of forest and watershed health.

(v) Any cost overruns for the completion of the WMAT rural water system, as provided in subsection (f).

(3) **WMAT MAINTENANCE FUND.**—

(A) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “WMAT Maintenance Fund”, consisting of such amounts as are deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) **TRANSFERS TO FUND.**—There is authorized to be appropriated to the Secretary \$50,000,000 for deposit in the WMAT Maintenance Fund.

(C) **USE OF FUNDS.**—The Tribe or the Secretary, as applicable, shall use amounts in the WMAT Maintenance Fund only for the operation, maintenance, and replacement costs associated with the delivery of water through the rural water system.

(4) **ADMINISTRATION.**—The Secretary shall manage the Funds in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), including by investing amounts in the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(5) **AVAILABILITY OF AMOUNTS FROM FUNDS.**—Amounts in the Funds shall be available for expenditure or withdrawal only after the enforceability date in accordance with subsection (g).

(6) **EXPENDITURE AND WITHDRAWAL.**—

(A) **TRIBAL MANAGEMENT PLAN.**—

(i) **IN GENERAL.**—The Tribe may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(ii) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan under this subparagraph shall require that the Tribe shall spend any amounts withdrawn from the Funds in accordance with the purposes described in paragraph (2)(C) or (3)(C).

(iii) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of a tribal management plan under this subparagraph to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this Act and the Agreement.

(iv) **LIABILITY.**—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(B) **EXPENDITURE PLAN.**—

(i) **IN GENERAL.**—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribe does not withdraw under the tribal management plan.

(ii) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribe remaining in the Funds will be used.

(iii) **APPROVAL.**—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

(iv) **ANNUAL REPORT.**—For each of the Funds, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(C) **CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.**—No amount in the Funds shall be distributed to any member of the Tribe on a per capita basis.

(c) **COST INDEXING.**—All amounts authorized to be appropriated under subsections (a) and (b) shall be adjusted as may be required to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water supply system, the maintenance of the rural water supply system, and the construction or rehabilitation of the other development projects authorized under subsection (b)(2)(C).

(d) **EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.**—

(1) **DEFINITION OF EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.**—In this subsection, the term “Emergency Fund for Indian Safety and Health” means the Emergency Fund for Indian Safety and Health established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (22 U.S.C. 7601 et seq.).

(2) **INITIAL TRANSFER.**—Not later than 90 days after the date of enactment of this Act, such amounts as are available, but not to exceed \$50,000,000, in the Emergency Fund for Indian Safety and Health shall be transferred to the White Mountain Apache Tribe Water Rights Settlement Subaccount.

(3) **SUBSEQUENT TRANSFER.**—Effective beginning on January 1, 2012, if the Secretary determines that, on an annual basis, the amount authorized to be appropriated under subsection (a) will not be appropriated and deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount by October 31, 2012, not more than \$50,000,000 of the amounts in the Emergency Fund for Indian Safety and Health shall be transferred to the White Mountain Apache Tribe Water Rights Settlement Subaccount, as necessary to complete the WMAT rural water system project.

(4) **LIMITATION.**—The total amount transferred from the Emergency Fund for Indian Safety and Health to the White Mountain Apache Tribe Water Rights Settlement Subaccount under paragraphs (2) and (3) shall not exceed \$100,000,000.

(e) **OPERATION, MAINTENANCE, AND REPLACEMENT.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary \$2,500,000 for the operation, maintenance, and replacement costs of the WMAT rural water system, to remain available until the conditions described in subsection (g) have been met.

(2) **SUBSEQUENT FUNDING.**—Beginning on November 1, 2019, or the enforceability date, whichever is later, the Tribe or the Secretary, as applicable, may use amounts deposited in the WMAT Maintenance Fund under subsection (b)(3)(B) for operation, maintenance, and replacement costs of the WMAT rural water system.

(f) **COST OVERRUNS.**—On a determination by the Secretary that the amount authorized to be appropriated under subsection (a) is not sufficient for the completion of the WMAT rural water system, there are authorized to be appropriated such sums as are necessary, but not to exceed an additional \$25,000,000, to complete the WMAT rural water system, to be derived by transfer from the amounts authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund under subsection (b)(2)(B) in such amounts as the Secretary, in concurrence with the Tribe, determines to be appropriate.

(g) **CONDITIONS.**—The amounts authorized to be appropriated to the Secretary for deposit in the WMAT Maintenance Fund, together with any interest accrued thereon, under subsection (b)(3), and any interest accruing on the WMAT Settlement Fund under subsection (b)(2), shall not be available for expenditure or withdrawal until the later of—

(1) November 1, 2019; and

(2) the date on which the Secretary determines that the conditions described in section 9(d) have been met.

SEC. 13. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out, subject to appropriations, under this Act (including any such obligation or activity under the Agreement) if adequate appropriations for that purpose are not provided by Congress.

SEC. 14. REPEAL ON FAILURE OF ENFORCEABILITY DATE.

If the Secretary fails to publish in the Federal Register a statement of findings as required under section 9(d) by not later than April 30, 2020—

(1) effective beginning on May 1, 2020—

(A) this Act is repealed; and

(B) any action carried out by the Secretary, and any contract entered into, pursuant to this Act shall be void;

(2) any amounts appropriated under subsections (a), (b), (d), and (e) of section 12, together with any interest accrued on those amounts, shall immediately revert to the general fund of the Treasury; and

(3) any other amounts deposited in the White Mountain Apache Tribe Water Settlement Subaccount (including any amounts paid by the

State in accordance with the Agreement), together with any interest accrued on those amounts, shall immediately be returned to the respective sources of those funds.

SEC. 15. COMPLIANCE WITH ENVIRONMENTAL LAWS.

In carrying out this Act, the Secretary shall promptly comply with all applicable requirements of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) all other applicable Federal environmental laws; and

(4) all regulations promulgated under the laws described in paragraphs (1) through (3).

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall in order be to consider the amendment printed in part D of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK), or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 1065.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House legislation that would adjudicate the water rights of the White Mountain Apache Tribe, and end years of active litigation by ratifying the settlement agreement. This is a bipartisan measure, sponsored by the gentlelady from Arizona, ANN KIRKPATRICK, for whom I extend tremendous applause for the manner in which she has led the House on this issue, brought it before our attention, and secured the cosponsorship of the entire Arizona House delegation.

The waters of the White Mountain Apache Reservation feed to the Salt River of Arizona. The Salt River is a primary water source for the metropolitan area of Phoenix, Arizona, along with thousands of acres of agricultural land. Coming to closure on water rights is imperative to protect the water supply for thousands of people in Arizona. Equally important is the fulfillment of commitments made to the White Mountain Apache people to provide them a clean reliable water supply, and to repair their irrigation system, which has fallen into disrepair.

In this settlement all parties came together with a mutual desire for success. Indeed, the parties to this settlement agreement include the White

Mountain Apache, the State of Arizona, the cities of Phoenix, Scottsdale, Tempe, and others, and various water user organizations and entities. As with the two bills we just considered, I want to again acknowledge the administration's position that for over 20 years the Federal Government has stated that negotiated Indian water rights settlements are preferable to protracted and divisive litigation. The pending measure does just this, with a negotiated settlement and an end to decades of litigation.

I thank the gentlelady from Arizona, ANN KIRKPATRICK, and her colleagues in the Arizona delegation for their hard work in bringing this measure forward. I also again would recognize the tireless efforts of our subcommittee chairwoman, the gentlelady from California, GRACE NAPOLITANO, for her countless hours of hearings and staff meetings and other meetings with the affected parties on this issue. And I would thank the White Mountain Apache people for their continued dedication to this settlement and legislation.

Access to water should not be a privilege in this country, but is a basic, fundamental right. These people have clearly earned our respect and support for this legislation. I urge the passage thereof.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, once again this is the third of three settlement bills. The arguments that I had made on the first two bills are applicable to this one. I will just add one other point. And that is that these three bills have a cost to the taxpayer of a half a billion dollars, \$500 million. And there certainly is an unrest in this country as to what this Congress has done in a fiscal manner. This is small. We are talking about millions, when other programs we are talking about in this Congress unfortunately total trillions. But if we need to get our house in order, this is simply something that we need to have more information on before we pass judgment on it.

With that, Mr. Speaker, I will reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy to yield such time as she may consume to the lead cosponsor of this legislation who has worked so hard on this issue, the gentlewoman from Arizona (Mrs. KIRKPATRICK).

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Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today in support of H.R. 1065, the White Mountain Apache Water Rights Quantification Act.

Water is a precious resource to all of us in the Southwest. In my district, farmers have to fight to keep their crops growing, firefighters are constantly challenged by raging wildfires, and local officials consider the drinking water supply in every discussion of the community's future. We know we

need to make each drop count. That is why I am proud to have worked with the White Mountain Apache and other stakeholders to introduce this bill.

The White Mountain Apache Water Rights Quantification Act finalizes a settling agreement that will end a long-running water rights dispute in greater Arizona and provides a path toward a reliable long-term water supply for the White Mountain Apache tribe and areas across the State.

The agreement under consideration continues a long history of settlements of Indian water rights disputes in our State. We have found time and again that these settlements, as opposed to litigation, help the tribes and their neighbors achieve real certainty in their water supply. They are able to better plan for the years to come. The negotiating process also builds working relationships between the parties involved, allowing them to cooperate and more effectively manage their watersheds for the future. With this legislation, folks here will finally begin to see these benefits.

Along with approving the agreement, this bill authorizes construction of the Miner Flat dam and pipeline, which will provide a 100-year municipal drinking water supply to towns on the White Mountain Apache tribal lands. That is critically important because our need for drinking water is both immediate and serious. People in the area are being threatened with water shortages even now, in the winter of what was a great water year in the rest of the State.

Nearly 15,000 tribal members will be served by the project, and it cannot come a moment too soon for them. Furthermore, it lets us move forward with a number of projects that are crucial economic drivers for the region: fish hatcheries, irrigation projects, and infrastructure improvements to a local ski park. We will be able to create jobs and get folks back to work.

I was born and raised on White Mountain Apache tribal lands, and my hometown is one of those that would gain from this project. I have seen firsthand the challenges that these communities face, and I am confident that this legislation will make a real difference in addressing them.

At this point, I would like to address the cost issue that has been raised by my esteemed colleague from Washington. When I was a kid, we had to boil our water, and if we didn't, we got sick. We got real sick. That was over 50 years ago. We didn't have the convenience of purified water that comes delivered in big jugs that I've seen in most congressional offices here in Washington. That situation, where folks living in the United States today do not have access to running water that they can drink, is not acceptable.

My confidence that this legislation will make a real difference in addressing those critical needs is shared by many in Arizona where the bill has earned widespread support. Every single member of our State's delegation in

the House is cosponsoring H.R. 1065, and I want to point out that that includes my esteemed colleague Congressman JEFF FLAKE, who I think is the watchdog of the House on spending in Congress.

I have worked closely with Senator KYL to move forward on this critical project in both Chambers. Folks on both sides of the aisle recognize the importance of securing our water supply. They also recognize the effort and care it has taken to get to this point. The settlement has taken 21 different stakeholder groups years of negotiation and compromise to reach. It is carefully crafted to best fit the needs and demands of all those involved. It is time for folks in my district to get the infrastructure and water supply they have been working toward for so long.

I urge my colleagues to pass this bill. Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, we are told over and over that this is an agreement that has been painstakingly and meticulously worked out. That's the sort of agreement that we would have if I were to sue the Federal Government for \$10 million, go to my next-door neighbor and say, can't you agree that the Federal Government should send us at least \$5 million? We reach an agreement, and then present it to Congress as a settlement of an outstanding claim. That's essentially what's going on here.

Let me read to you the testimony of Michael Connor, the Commissioner of the Bureau of Reclamation, to the Subcommittee on Water and Power regarding this bill in July of last year. He said: While we're aware that the settling parties worked closely with the Federal negotiating team in developing the parameters of this settlement, we have also been informed by the team that issues involving the cost of this settlement were not considered. We believe that these costs need to be discussed and negotiated and that the benefits of the settlement must justify the costs.

Those negotiations never took place between the Federal Government and the stakeholders. Those negotiations took place among the stakeholders themselves, and they all agreed that the Federal Government should send them lots and lots of money.

The same Commissioner of the Bureau of Reclamation then sent a letter on November 10, 2009, to the chairwoman of the Subcommittee on Water and Power and warned about these things again. He said: Other than the \$4.95 million provided for rehabilitation of irrigation systems on the reservation, the administration does not believe the money authorized for the development fund is consideration for this settlement.

I would also point out that under the terms of this measure—that again are questioned by the administration—the Federal Government is responsible for handing over that money, and then the tribe, in the provisions of the bill, has the authority to withdraw those funds for purposes unrelated to water development. That's why those of us in the minority, although we are very sympathetic to the history that has brought us to this point and seek an equitable settlement for all sides in this dispute, seriously question why a settlement between the United States Government and the stakeholders involved was not fully negotiated by the United States Government and why this measure written by Congress is being submitted to the administration when it is the administration's responsibility to be involved in the negotiations of all of the details of the ultimate settlement.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will just simply repeat what I said at the outset. I must reluctantly rise to oppose all three of these settlement bills based on the simple fact that we don't have all the information we need.

While we applaud people on the local level settling tough disputes, especially water issues, and I am especially sensitive to that, Mr. Speaker, because I am from the western part of the United States, it is in the best interests of all of the people in this country to know what the cost to them would be because they're all taxpayers. I think that's self-evident.

So this debate, at least from our side of the aisle, didn't question the merits of those settlement agreements mainly because, at least from this Member's perspective, I know how difficult that is when you have these types of disputes. Our issue is simply the transparency of what the cost will be to the taxpayers of this country. We deserve to have that before these settlement issues come to the floor of the House. We deserve to have this information so we can do due diligence in committee and then make a judgment if the settlement is in fact in the best interests of the taxpayers. That is really all this debate has been about on these three bills.

So with that, Mr. Speaker, I would just simply say that we don't have transparency on this potential half-a-billion-dollar assessment that's going to go to the taxpayer. We should have that and we don't. So it is for that reason, Mr. Speaker, that I rise in opposition to this bill and urge my colleagues to vote "no."

Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, before yielding to the gentleman from Michigan to close on our side, I would just reiterate what has already been said by the gentlewoman from Arizona, that

she is joined in her cosponsorship of this legislation by the gentleman considered the watchdog of fiscal spending in this body, Mr. JEFF FLAKE, in cosponsoring this bill.

At this point, I yield the balance of my time to the co-Chair of our Native American Caucus in the Congress and a valued member of our Committee on Natural Resources, the gentleman from Michigan, Mr. DALE KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I support strongly the passage of H.R. 1065 and the other two bills, H.R. 3342 and H.R. 3254.

In the 33 years that I've been in Congress, I've worked hard with Mr. RAHALL—he and I came to Congress together—trying to work out these water rights. I have always tried to make sure that we were fair to everybody, particularly fair to the Native Americans who have been deprived of their water rights in too many instances, and Mr. RAHALL has made this a priority to make sure that we get equity and justice here.

Water is extremely important all over the world. It's extremely important, of course, in the Southwest. I just feel that the hard work that went into this bill and the sense of equity and the sense of justice and fairness to all those involved has produced three very good bills, and I strongly urge support of them.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

passage of H.R. 3254,
passage of H.R. 3342,
passage of H.R. 1065, and
motions to suspend the rules with regard to H. Res. 1021, and the Senate

amendment to H.R. 730, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 3254, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 254, nays 158, not voting 21, as follows:

[Roll No. 12]

YEAS—254

Abercrombie	Farr	Markey (CO)
Ackerman	Fattah	Markey (MA)
Adler (NJ)	Filner	Marshall
Andrews	Flake	Massa
Arcuri	Fortenberry	Matheson
Baca	Foster	Matsui
Baird	Fudge	McCarthy (NY)
Baldwin	Garamendi	McCollum
Barrow	Giffords	McCotter
Becerra	Gonzalez	McDermott
Berkley	Gordon (TN)	McGovern
Berman	Grayson	McIntyre
Berry	Green, Al	McKeon
Bishop (NY)	Green, Gene	McMahon
Blumenauer	Grijalva	McNerney
Boccheri	Gutierrez	Meek (FL)
Bono Mack	Hall (NY)	Meeks (NY)
Boren	Halvorson	Michaud
Boswell	Hare	Miller (NC)
Boucher	Harman	Minnick
Boyd	Hastings (FL)	Mitchell
Braley (IA)	Heinrich	Mollohan
Brown, Corrine	Herseeth Sandlin	Moore (KS)
Calvert	Higgins	Moore (WI)
Capps	Hill	Moran (VA)
Capuano	Himes	Murphy (CT)
Cardoza	Hinchee	Murphy (NY)
Carnahan	Hirono	Murphy, Patrick
Carson (IN)	Hodes	Murphy, Tim
Castor (FL)	Holden	Murtha
Chandler	Holt	Nadler (NY)
Childers	Honda	Napolitano
Chu	Hoyer	Neal (MA)
Clarke	Insee	Nye
Clay	Israel	Oberstar
Clyburn	Jackson (IL)	Obey
Cohen	Jackson Lee	Oliver
Cole	(TX)	Ortiz
Connolly (VA)	Kagen	Owens
Conyers	Kanjorski	Pallone
Cooper	Kaptur	Pascarell
Costa	Kennedy	Pastor (AZ)
Costello	Kildee	Payne
Courtney	Kilpatrick (MI)	Perlmutter
Crowley	Kilroy	Perriello
Cuellar	Kind	Peters
Cummings	Kirkpatrick (AZ)	Peterson
Dahlkemper	Kissell	Pingree (ME)
Davis (CA)	Klein (FL)	Polis (CO)
Davis (IL)	Kline (MN)	Pomeroy
Davis (TN)	Kosmas	Price (NC)
DeFazio	Kratovil	Quigley
DeGette	Kucinich	Rahall
Delahunt	Langevin	Rangel
DeLauro	Larsen (WA)	Reyes
Diaz-Balart, L.	Larson (CT)	Richardson
Dicks	LaTourette	Rodriguez
Dingell	Lee (CA)	Ross
Doggett	Levin	Rothman (NJ)
Donnelly (IN)	Lewis (GA)	Roybal-Allard
Doyle	Lipinski	Ruppersberger
Driehaus	Loebach	Rush
Edwards (MD)	Lofgren, Zoe	Ryan (OH)
Edwards (TX)	Lowey	Salazar
Ehlers	Lujan	Sanchez, Linda
Ellison	Lungren, Daniel	T.
Ellsworth	E.	Sanchez, Loretta
Engel	Lynch	Sarbanes
Eshoo	Maffei	Schakowsky
Etheridge	Maloney	

Schauer	Space
Schiff	Speier
Schrader	Spratt
Schwartz	Stark
Scott (GA)	Stupak
Scott (VA)	Sutton
Serrano	Tanner
Sestak	Taylor
Shea-Porter	Teague
Sherman	Thompson (CA)
Shuler	Thompson (MS)
Simpson	Tierney
Sires	Titus
Slaughter	Tonko
Smith (WA)	Towns
Snyder	Tsongas

NAYS—158

Aderholt	Garrett (NJ)
Akin	Gerlach
Alexander	Gingrey (GA)
Altmire	Gohmert
Austria	Goodlatte
Bachmann	Granger
Bachus	Graves
Bartlett	Griffith
Barton (TX)	Guthrie
Bean	Hall (TX)
Biggart	Harper
Bliray	Hastings (WA)
Bilirakis	Heller
Bishop (UT)	Hensarling
Blackburn	Herger
Blunt	Hoekstra
Boehner	Hunter
Boozman	Inglis
Brady (TX)	Issa
Bright	Jenkins
Broun (GA)	Johnson (IL)
Brown (SC)	Johnson, Sam
Brown-Waite,	Jones
Ginny	Jordan (OH)
Buchanan	King (IA)
Burgess	King (NY)
Burton (IN)	Kingston
Buyer	Kirk
Camp	Lamborn
Campbell	Lance
Cantor	Latham
Cao	Latita
Capito	Lee (NY)
Carney	Linder
Carter	LoBiondo
Cassidy	Lucas
Castle	Luetkemeyer
Chaffetz	Lummis
Coble	Mack
Coffman (CO)	Manzullo
Conaway	Marchant
Davis (KY)	McCarthy (CA)
Dent	McCaul
Diaz-Balart, M.	McClintock
Dreier	McHenry
Duncan	McMorris
Emerson	Rodgers
Fallin	Mica
Fleming	Miller (FL)
Forbes	Miller (MI)
Fox	Miller, Gary
Franks (AZ)	Moran (KS)
Frelinghuysen	Myrick
Gallegly	Neugebauer

NOT VOTING—21

Barrett (SC)	Crenshaw	Johnson, E. B.
Bishop (GA)	Culberson	Lewis (CA)
Bonner	Davis (AL)	Miller, George
Boustany	Deal (GA)	Radanovich
Brady (CA)	Frank (MA)	Ross-Lehtinen
Butterfield	Hinojosa	Wamp
Cleaver	Johnson (GA)	Young (AK)

□ 1228

Messrs. WITTMAN and POE of Texas changed their vote from “yea” to “nay.”

Messrs. CALVERT, DEFAZIO, MCKEON, CROWLEY, KLEIN of Florida, and TIM MURPHY of Pennsylvania changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AAMODT LITIGATION SETTLEMENT ACT

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on passage of H.R. 3342, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 153, not voting 31, as follows:

[Roll No. 13]

YEAS—249

Abercrombie	Gordon (TN)	Miller (NC)
Ackerman	Grayson	Minnick
Adler (NJ)	Green, Al	Mitchell
Andrews	Green, Gene	Mollohan
Arcuri	Hall (NY)	Moore (KS)
Baca	Hare	Moore (WI)
Baird	Harman	Moran (VA)
Baldwin	Hastings (FL)	Murphy (CT)
Barrow	Heinrich	Murphy (NY)
Becerra	Herseeth Sandlin	Murphy, Patrick
Berkley	Higgins	Murphy, Tim
Berman	Hill	Murtha
Berry	Himes	Nadler (NY)
Bishop (NY)	Hinchee	Neal (MA)
Blumenauer	Hirono	Nye
Boccheri	Hodes	Oberstar
Bono Mack	Holden	Obey
Boren	Holt	Oliver
Boswell	Honda	Ortiz
Boucher	Hoyer	Owens
Boyd	Inslee	Pallone
Braley (IA)	Israel	Pascarell
Brown, Corrine	Issa	Pastor (AZ)
Calvert	Jackson (IL)	Payne
Capps	Jackson Lee	Perlmutter
Capuano	(TX)	Perriello
Cardoza	Johnson (GA)	Peters
Carnahan	Kagen	Peterson
Carson (IN)	Kanjorski	Pingree (ME)
Castor (FL)	Kaptur	Polis (CO)
Chandler	Kennedy	Pomeroy
Childers	Kildee	Price (NC)
Chu	Kilpatrick (MI)	Quigley
Clarke	Kilroy	Rahall
Clay	Kind	Rangel
Clyburn	Kirkpatrick (AZ)	Reyes
Cohen	Kissell	Richardson
Cole	Klein (FL)	Rodriguez
Connolly (VA)	Kline (MN)	Ross
Conyers	Kosmas	Rothman (NJ)
Cooper	Kratovil	Roybal-Allard
Costa	Kucinich	Ruppersberger
Costello	Langevin	Rush
Courtney	Larsen (WA)	Ryan (OH)
Crowley	Larson (CT)	Salazar
Cuellar	LaTourette	Sanchez, Linda
Cummings	Lee (CA)	T.
Dahlkemper	Levin	Sanchez, Loretta
Davis (CA)	Lewis (GA)	Sarbanes
Davis (IL)	Lipinski	Schakowsky
Davis (TN)	Loebach	Schauer
DeFazio	Lofgren, Zoe	Schiff
DeGette	Lowey	Schrader
Delahunt	Lujan	Schwartz
DeLauro	Lungren, Daniel	Scott (GA)
Diaz-Balart, L.	E.	Scott (VA)
Dicks	Lynch	Serrano
Dingell	Maffei	Sestak
Doggett	Maloney	Shea-Porter
Donnelly (IN)	Markey (CO)	Sherman
Doyle	Markey (MA)	Shuler
Driehaus	Marshall	Simpson
Edwards (MD)	Massa	Sires
Edwards (TX)	Matheson	Slaughter
Ehlers	Matsui	Smith (WA)
Ellsworth	McCarthy (NY)	Snyder
Eshoo	McCollum	Space
Etheridge	McCotter	Speier
Farr	McDermott	Spratt
Fattah	McGovern	Stark
Filner	McIntyre	Stupak
Flake	McKeon	Sutton
Fortenberry	McMahon	Tanner
Foster	McNerney	Taylor
Fudge	Meek (FL)	Teague
Garamendi	Meeks (NY)	Thompson (CA)
Giffords	Melancon	Thompson (MS)
Gonzalez	Michaud	Tierney

Titus	Walz	Welch
Tonko	Wasserman	Wilson (OH)
Towns	Schultz	Woolsey
Tsongas	Waters	Wu
Van Hollen	Watt	Yarmuth
Velázquez	Waxman	
Visclosky	Weiner	

NAYS—153

Aderholt	Gallegly	Neugebauer
Akin	Garrett (NJ)	Nunes
Alexander	Gerlach	Olson
Altmire	Gingrey (GA)	Paul
Austria	Gohmert	Paulsen
Bachmann	Goodlatte	Pence
Bachus	Granger	Petri
Bartlett	Graves	Pitts
Barton (TX)	Griffith	Platts
Bean	Guthrie	Poe (TX)
Biggert	Hall (TX)	Posey
Bilbray	Harper	Price (GA)
Bilirakis	Hastings (WA)	Putnam
Bishop (UT)	Heller	Rehberg
Blackburn	Hensarling	Reichert
Blunt	Herger	Roe (TN)
Boehner	Hoekstra	Rogers (AL)
Boozman	Hunter	Rogers (KY)
Brady (TX)	Inglis	Rogers (MI)
Bright	Jenkins	Rohrabacher
Brown (GA)	Johnson (IL)	Rooney
Brown (SC)	Johnson, Sam	Roskam
Brown-Waite,	Jones	Ryan (WI)
Ginny	Jordan (OH)	Scalise
Buchanan	King (IA)	Schmidt
Burgess	King (NY)	Schock
Burton (IN)	Kirk	Sensenbrenner
Buyer	Lamborn	Sessions
Camp	Lance	Shadegg
Campbell	Latham	Shimkus
Cantor	Latta	Shuster
Cao	Lee (NY)	Smith (NE)
Capito	Linder	Smith (NJ)
Carney	LoBiondo	Smith (TX)
Carter	Lucas	Souder
Cassidy	Luetkemeyer	Stearns
Castle	Lummis	Sullivan
Chaffetz	Mack	Terry
Coble	Manzullo	Thompson (PA)
Coffman (CO)	Marchant	Thornberry
Conaway	McCarthy (CA)	Tiahrt
Davis (KY)	McCaul	Tiberi
Dent	McClintock	Turner
Diaz-Balart, M.	McHenry	Upton
Dreier	McMorris	Walden
Duncan	Rodgers	Westmoreland
Emerson	Mica	Whitfield
Fleming	Miller (FL)	Wilson (SC)
Forbes	Miller (MI)	Wittman
Fox	Miller, Gary	Wolf
Franks (AZ)	Moran (KS)	Young (FL)
Frelinghuysen	Myrick	

NOT VOTING—31

Barrett (SC)	Ellison	Miller, George
Bishop (GA)	Engel	Napolitano
Bonner	Fallin	Radanovich
Boustany	Frank (MA)	Ros-Lehtinen
Brady (PA)	Grijalva	Royce
Butterfield	Gutierrez	Skelton
Cleaver	Halvorson	Wamp
Crenshaw	Hinojosa	Watson
Culberson	Johnson, E. B.	Young (AK)
Davis (AL)	Kingston	
Deal (GA)	Lewis (CA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1235

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. HALVORSON. Madam Speaker, on rollcall 13, I was in the Chamber but unable to record my vote. I intended to vote "yea" on that question.

Stated against:

Ms. FALLIN. Madam Speaker, on rollcall No. 13, I was unavoidably detained. Had I been present, I would have voted "nay."

WHITE MOUNTAIN APACHE TRIBE
WATER RIGHTS QUANTIFICATION
ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 1065, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 262, nays 147, not voting 24, as follows:

[Roll No. 14]

YEAS—262

Abercrombie	Franks (AZ)	McGovern
Ackerman	Fudge	McIntyre
Adler (NJ)	Garamendi	McKeon
Andrews	Giffords	McMahon
Arcuri	Gonzalez	McNerney
Baca	Gordon (TN)	Meek (FL)
Baird	Grayson	Meeks (NY)
Baldwin	Green, Al	Melancon
Barrow	Green, Gene	Michaud
Becerra	Grijalva	Miller (NC)
Berkley	Gutierrez	Miller, George
Berman	Hall (NY)	Minnick
Berry	Halvorson	Mitchell
Bishop (NY)	Hare	Mollohan
Blumenauer	Harman	Moore (KS)
Boccieri	Hastings (FL)	Moore (WI)
Bono Mack	Heinrich	Moran (VA)
Boren	Herseth Sandlin	Murphy (CT)
Boswell	Higgins	Murphy (NY)
Boucher	Hill	Murphy, Patrick
Boyd	Himes	Murphy, Tim
Braley (IA)	Hinchoy	Murtha
Brown, Corrine	Hirono	Nadler (NY)
Calvert	Hodes	Napolitano
Cao	Holden	Neal (MA)
Capps	Holt	Nye
Capuano	Honda	Oberstar
Cardoza	Hoyer	Obey
Carnahan	Inslee	Olver
Carson (IN)	Israel	Ortiz
Castor (FL)	Issa	Owens
Chandler	Jackson (IL)	Pallone
Childers	Jackson Lee	Pascarell
Chu	(TX)	Pastor (AZ)
Clarke	Johnson (GA)	Payne
Clay	Jones	Perlmutter
Clyburn	Kagen	Perriello
Cohen	Kanjorski	Peters
Cole	Kaptur	Peterson
Connolly (VA)	Kennedy	Pingree (ME)
Conyers	Kildee	Polis (CO)
Cooper	Kilpatrick (MI)	Pomeroy
Costa	Kilroy	Price (NC)
Costello	Kind	Quigley
Courtney	Kirkpatrick (AZ)	Rahall
Crowley	Kissell	Rangel
Cuellar	Klein (FL)	Reyes
Cummings	Kline (MN)	Richardson
Dahlkemper	Kosmas	Rodriguez
Davis (CA)	Kratovil	Ross
Davis (IL)	Kucinich	Rothman (NJ)
Davis (TN)	Langevin	Roybal-Allard
DeFazio	Larsen (WA)	Ruppersberger
DeGette	Larson (CT)	Rush
Delahunt	LaTourette	Ryan (OH)
DeLauro	Lee (CA)	Salazar
Diaz-Balart, L.	Levin	Sanchez, Linda
Dicks	Lewis (GA)	T.
Dingell	Lipinski	Sanchez, Loretta
Doggett	Loeb sack	Sarbanes
Donnelly (IN)	Lofgren, Zoe	Schakowsky
Doyle	Lowe	Schauer
Driehaus	Lujan	Schiff
Edwards (MD)	Lungren, Daniel	Schrader
Edwards (TX)	E.	Schwartz
Ehlers	Lynch	Scott (GA)
Ellison	Maffei	Scott (VA)
Ellsworth	Maloney	Serrano
Engel	Markey (CO)	Sestak
Eshoo	Markey (MA)	Shadegg
Etheridge	Marshall	Shea-Porter
Farr	Massa	Sherman
Fattah	Matheson	Shuler
Flake	Matsui	Simpson
Fortenberry	McCarthy (NY)	Sires
Foster	McCollum	Slaughter
Frank (MA)	McCotter	Smith (WA)
	McDermott	Snyder

Space	Tierney	Waters
Speier	Titus	Watson
Spratt	Tonko	Watt
Stark	Towns	Waxman
Stupak	Tsongas	Weiner
Sutton	Van Hollen	Welch
Tanner	Velázquez	Wilson (OH)
Taylor	Visclosky	Woolsey
Teague	Walz	Wu
Thompson (CA)	Wasserman	Yarmuth
Thompson (MS)	Schultz	

NAYS—147

Aderholt	Gohmert	Paul
Akin	Goodlatte	Paulsen
Alexander	Granger	Pence
Altmire	Graves	Petri
Austria	Griffith	Pitts
Bachmann	Guthrie	Platts
Bachus	Hall (TX)	Poe (TX)
Bartlett	Harper	Posey
Barton (TX)	Hastings (WA)	Price (GA)
Bean	Heller	Putnam
Biggert	Herger	Rehberg
Bilirakis	Hoekstra	Reichert
Bishop (UT)	Hunter	Roe (TN)
Blackburn	Inglis	Rogers (AL)
Blunt	Jenkins	Rogers (KY)
Boehner	Johnson (IL)	Rogers (MI)
Boozman	Johnson, Sam	Rohrabacher
Brown (GA)	Jordan (OH)	Rooney
Brown (SC)	King (IA)	Roskam
Brown-Waite,	King (NY)	Royce
Ginny	Kingston	Ryan (WI)
Buchanan	Kirk	Scalise
Burgess	Lamborn	Schmidt
Burton (IN)	Lance	Schock
Buyer	Latham	Sensenbrenner
Camp	Latta	Sessions
Campbell	Lee (NY)	Shimkus
Cantor	Linder	Shuster
Capito	LoBiondo	Skelton
Carney	Lucas	Smith (NE)
Carter	Luetkemeyer	Smith (NJ)
Cassidy	Lummis	Smith (TX)
Castle	Mack	Souder
Chaffetz	Manzullo	Stearns
Coble	Marchant	Sullivan
Coffman (CO)	McCarthy (CA)	Terry
Conaway	McCaul	Thompson (PA)
Dent	McClintock	Thornberry
Diaz-Balart, M.	McHenry	Tiahrt
Dreier	McMorris	Tiberi
Emerson	Rodgers	Turner
Fallin	Mica	Upton
Fleming	Miller (FL)	Walden
Forbes	Miller (MI)	Westmoreland
Fox	Miller, Gary	Whitfield
Frelinghuysen	Moran (KS)	Wilson (SC)
Gallegly	Myrick	Wittman
Garrett (NJ)	Neugebauer	Wolf
Gerlach	Nunes	Young (FL)
Gingrey (GA)	Olson	

NOT VOTING—24

Barrett (SC)	Butterfield	Hensarling
Bilbray	Cleaver	Hinojosa
Bishop (GA)	Crenshaw	Johnson, E. B.
Bonner	Culberson	Lewis (CA)
Boustany	Davis (AL)	Radanovich
Brady (PA)	Davis (KY)	Ros-Lehtinen
Brady (TX)	Deal (GA)	Wamp
Bright	Duncan	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1243

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO
HAITI

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1021, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LEE) that the House suspend the rules and agree to the resolution, H. Res. 1021.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 21, as follows:

[Roll No. 15]

YEAS—411

Ackerman	Costello	Himes
Aderholt	Courtney	Hinchey
Adler (NJ)	Crowley	Hirono
Akin	Cuellar	Hodes
Alexander	Dahlkemper	Hoekstra
Altmire	Davis (CA)	Holden
Andrews	Davis (IL)	Holt
Arcuri	Davis (KY)	Honda
Austria	Davis (TN)	Hoyer
Baca	DeFazio	Hunter
Bachmann	DeGette	Inglis
Bachus	Delahunt	Inslée
Baird	DeLauro	Israel
Baldwin	Dent	Issa
Barrow	Diaz-Balart, L.	Jackson (IL)
Bartlett	Diaz-Balart, M.	Jackson Lee
Barton (TX)	Dicks	(TX)
Bean	Dingell	Jenkins
Becerra	Doggett	Johnson (GA)
Berkley	Donnelly (IN)	Johnson (IL)
Berman	Doyle	Johnson, Sam
Berry	Dreier	Jones
Biggert	Driebehaus	Jordan (OH)
Bilbray	Duncan	Kagen
Bilirakis	Edwards (MD)	Kanjorski
Bishop (NY)	Edwards (TX)	Kaptur
Bishop (UT)	Ehlers	Kennedy
Blackburn	Ellison	Kildee
Blumenauer	Ellsworth	Kipatrick (MI)
Blunt	Emerson	Kilroy
Boccheri	Engel	Kind
Boehner	Eshoo	King (IA)
Bono Mack	Etheridge	King (NY)
Boozman	Fallin	Kingston
Boren	Farr	Kirk
Boswell	Fattah	Kirkpatrick (AZ)
Boucher	Filner	Kissell
Boyd	Flake	Klein (FL)
Brady (TX)	Fleming	Kline (MN)
Braley (IA)	Forbes	Kosmas
Bright	Fortenberry	Kratovil
Broun (GA)	Foster	Kucinich
Brown (SC)	Fox	Lamborn
Brown, Corrine	Frank (MA)	Lance
Brown-Waite,	Franks (AZ)	Langevin
Ginny	Frelinghuysen	Larsen (WA)
Buchanan	Fudge	Larson (CT)
Burgess	Gallely	Latham
Burton (IN)	Garamendi	LaTourette
Buyer	Garrett (NJ)	Latta
Calvert	Gerlach	Lee (CA)
Camp	Giffords	Lee (NY)
Campbell	Gingrey (GA)	Levin
Cantor	Gohmert	Lewis (GA)
Cao	Gonzalez	Linder
Capito	Goodlatte	Lipinski
Capps	Gordon (TN)	LoBiondo
Capuano	Granger	Loebsack
Cardoza	Graves	Lofgren, Zoe
Carnahan	Grayson	Lowe
Carney	Green, Al	Lucas
Carson (IN)	Green, Gene	Luetkemeyer
Cassidy	Griffith	Lujan
Castle	Grijalva	Lummis
Castor (FL)	Guthrie	Lungren, Daniel
Chaffetz	Gutierrez	E.
Chandler	Hall (NY)	Lynch
Childers	Hall (TX)	Mack
Chu	Halvorson	Maffei
Clarke	Hare	Maloney
Clay	Harman	Manzullo
Clyburn	Harper	Marchant
Coble	Hastings (FL)	Markey (CO)
Coffman (CO)	Hastings (WA)	Markey (MA)
Cohen	Heinrich	Marshall
Cole	Heller	Massa
Conaway	Hensarling	Matheson
Connolly (VA)	Herger	Matsui
Conyers	Herseth Sandlin	McCarthy (CA)
Cooper	Higgins	McCarthy (NY)
Costa	Hill	McCaul

McClintock	Pingree (ME)	Simpson
McCollum	Pitts	Sires
McCotter	Platts	Skelton
McDermott	Poe (TX)	Slaughter
McGovern	Polis (CO)	Smith (NE)
McHenry	Pomeroy	Smith (NJ)
McIntyre	Posey	Smith (TX)
McKeon	Price (GA)	Smith (WA)
McMahon	Price (NC)	Snyder
McMorris	Putnam	Souder
Rodgers	Quigley	Space
McNerney	Rahall	Speier
Meek (FL)	Rangel	Spratt
Meeks (NY)	Rehberg	Stark
Melancon	Reichert	Stearns
Mica	Reyes	Stupak
Michaud	Richardson	Sullivan
Miller (FL)	Rodriguez	Sutton
Miller (MI)	Roe (TN)	Tanner
Miller (NC)	Rogers (AL)	Taylor
Miller, Gary	Rogers (KY)	Teague
Miller, George	Rogers (MI)	Terry
Minnick	Rohrabacher	Thompson (CA)
Mitchell	Rooney	Thompson (MS)
Mollohan	Roskam	Thompson (PA)
Moore (KS)	Ross	Thornberry
Moore (WI)	Rothman (NJ)	Tiahrt
Moran (KS)	Roybal-Allard	Tiberi
Moran (VA)	Royce	Tierney
Murphy (CT)	Ruppersberger	Titus
Murphy (NY)	Rush	Tonko
Murphy, Patrick	Ryan (OH)	Towns
Murphy, Tim	Ryan (WI)	Tsongas
Murtha	Salazar	Turner
Myrick	Sánchez, Linda	Upton
Nadler (NY)	T.	Van Hollen
Napolitano	Sanchez, Loretta	Velázquez
Neal (MA)	Sarbanes	Visclosky
Neugebauer	Scalise	Walden
Nunes	Schakowsky	Walz
Nye	Schauer	Wasserman
Oberstar	Schiff	Schultz
Obey	Schmidt	Waters
Olson	Schock	Watson
Oliver	Schrader	Watt
Ortiz	Schwartz	Waxman
Owens	Scott (GA)	Weiner
Pallone	Scott (VA)	Welch
Pascarell	Sensenbrenner	Westmoreland
Pastor (AZ)	Serrano	Whitfield
Paulsen	Sessions	Wilson (OH)
Payne	Sestak	Wilson (SC)
Pence	Shadegg	Wittman
Perlmutter	Shea-Porter	Wolf
Perriello	Sherman	Woolsey
Peters	Shinkus	Wu
Peterson	Shuler	Yarmuth
Petri	Shuster	Young (FL)

NAYS—1

Paul

NOT VOTING—21

Abercrombie	Carter	Hinojosa
Barrett (SC)	Cleaver	Johnson, E. B.
Bishop (GA)	Crenshaw	Lewis (CA)
Bonner	Culberson	Radanovich
Boustany	Cummings	Ros-Lehtinen
Brady (PA)	Davis (AL)	Wamp
Butterfield	Deal (GA)	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1252

Mr. BRIGHT changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NUCLEAR FORENSICS AND ATTRIBUTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R.

730, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 730.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 10, not voting 26, as follows:

[Roll No. 16]

YEAS—397

Ackerman	Costello	Hinchey
Aderholt	Courtney	Hirono
Adler (NJ)	Crowley	Hodes
Akin	Cuellar	Hoekstra
Alexander	Cummings	Holden
Altmire	Dahlkemper	Holt
Andrews	Davis (CA)	Honda
Arcuri	Davis (IL)	Hoyer
Austria	Davis (KY)	Hunter
Baca	Davis (TN)	Inglis
Bachmann	DeFazio	Inslée
Bachus	DeGette	Israel
Baird	Delahunt	Issa
Baldwin	DeLauro	Jackson (IL)
Barrow	Dent	Jackson Lee
Bartlett	Diaz-Balart, L.	(TX)
Barton (TX)	Diaz-Balart, M.	Jenkins
Bean	Dicks	Johnson (GA)
Becerra	Dingell	Johnson (IL)
Berkley	Doggett	Johnson, Sam
Berman	Donnelly (IN)	Jones
Berry	Doyle	Jordan (OH)
Biggert	Dreier	Kagen
Bilbray	Driebehaus	Kanjorski
Bilirakis	Edwards (MD)	Kaptur
Bishop (NY)	Edwards (TX)	Kennedy
Bishop (UT)	Ehlers	Kildee
Blackburn	Ellison	Kilpatrick (MI)
Blumenauer	Ellsworth	Kilroy
Blunt	Emerson	Kind
Boccheri	Engel	King (IA)
Boehner	Eshoo	King (NY)
Bono Mack	Etheridge	Kingston
Boozman	Fallin	Kirk
Boren	Farr	Kirkpatrick (AZ)
Boswell	Fattah	Kissell
Boucher	Filner	Klein (FL)
Boyd	Fleming	Kline (MN)
Brady (TX)	Forbes	Kosmas
Bright	Fortenberry	Kratovil
Brown (SC)	Foster	Kucinich
Brown, Corrine	Fox	Lamborn
Brown-Waite,	Frank (MA)	Lance
Ginny	Franks (AZ)	Langevin
Buchanan	Frelinghuysen	Larsen (WA)
Burgess	Fudge	Larson (CT)
Burton (IN)	Gallely	Latham
Buyer	Garamendi	LaTourette
Calvert	Garrett (NJ)	Latta
Camp	Gerlach	Lee (CA)
Campbell	Giffords	Lee (NY)
Cantor	Gingrey (GA)	Levin
Cao	Gonzalez	Lewis (GA)
Capito	Goodlatte	Linder
Capps	Gordon (TN)	Lipinski
Capuano	Granger	LoBiondo
Cardoza	Graves	Loebsack
Carnahan	Grayson	Lofgren, Zoe
Carney	Green, Al	Lowe
Carson (IN)	Green, Gene	Lucas
Carter	Griffith	Luetkemeyer
Cassidy	Grijalva	Lujan
Castle	Guthrie	Lungren, Daniel
Castor (FL)	Gutierrez	E.
Chaffetz	Hall (NY)	Lynch
Chandler	Hall (TX)	Mack
Childers	Halvorson	Maffei
Chu	Hare	Maloney
Clarke	Harman	Manzullo
Clay	Harper	Marchant
Clyburn	Hastings (FL)	Markey (CO)
Coffman (CO)	Hastings (WA)	Markey (MA)
Cohen	Heinrich	Marshall
Cole	Heller	Massa
Conaway	Herger	Matheson
Connolly (VA)	Herseth Sandlin	Matsui
Conyers	Higgins	McCarthy (CA)
Cooper	Hill	McCarthy (NY)
Costa	Himes	McClintock

McCollum	Pingree (ME)	Sires
McCotter	Pitts	Skelton
McDermott	Platts	Slaughter
McGovern	Poe (TX)	Smith (NE)
McHenry	Polis (CO)	Smith (NJ)
McIntyre	Pomeroy	Smith (TX)
McKeon	Posey	Smith (WA)
McMorris	Price (GA)	Snyder
Rodgers	Price (NC)	Souder
McNerney	Putnam	Space
Meek (FL)	Quigley	Speier
Meeks (NY)	Rahall	Spratt
Melancon	Rangel	Stark
Mica	Rehberg	Stearns
Michaud	Reichert	Stupak
Miller (FL)	Reyes	Sullivan
Miller (MI)	Richardson	Sutton
Miller (NC)	Rodriguez	Tanner
Miller, Gary	Roe (TN)	Taylor
Miller, George	Rogers (AL)	Teague
Minnick	Rogers (KY)	Thompson (CA)
Mitchell	Rogers (MI)	Thompson (MS)
Mollohan	Rohrabacher	Thompson (PA)
Moore (KS)	Rooney	Thornberry
Moore (WI)	Roskam	Tiahrt
Moran (KS)	Ross	Tiberi
Moran (VA)	Rothman (NJ)	Tierney
Murphy (CT)	Roybal-Allard	Titus
Murphy (NY)	Royce	Tonko
Murphy, Patrick	Ruppersberger	Towns
Murphy, Tim	Rush	Tsongas
Murtha	Ryan (OH)	Turner
Myrick	Ryan (WI)	Upton
Nadler (NY)	Salazar	Van Hollen
Napolitano	Sanchez, Loretta	Velázquez
Neal (MA)	Sarbanes	Visclosky
Neugebauer	Scalise	Walden
Nunes	Schakowsky	Walz
Nye	Schauer	Wasserman
Oberstar	Schiff	Schultz
Obey	Schmidt	Watson
Olson	Schock	Watt
Olver	Schrader	Waxman
Ortiz	Schwartz	Weiner
Owens	Scott (GA)	Welch
Pallone	Scott (VA)	Westmoreland
Pascarella	Sessions	Whitfield
Pastor (AZ)	Sestak	Wilson (OH)
Paulsen	Shadegg	Wilson (SC)
Payne	Shea-Porter	Wittman
Pence	Sherman	Wolf
Perlmutter	Shimkus	Woolsey
Perriello	Shuler	Wu
Peters	Shuster	Yarmuth
Peterson	Simpson	Young (FL)

NAYS—10

Broun (GA)	Gohmert	Sánchez, Linda
Coble	Lummis	T.
Duncan	Paul	Sensenbrenner
Flake	Petri	

NOT VOTING—26

Abercrombie	Crenshaw	McMahon
Barrett (SC)	Culberson	Radanovich
Bishop (GA)	Davis (AL)	Ros-Lehtinen
Bonner	Deal (GA)	Serrano
Boustany	Hensarling	Terry
Brady (PA)	Hinojosa	Wamp
Braley (IA)	Johnson, E. B.	Waters
Butterfield	Lewis (CA)	Young (AK)
Cleaver	McCauley	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 1 minute is remaining.

□ 1306

Mrs. BLACKBURN changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVATE FIRST CLASS GARFIELD M. LANGHORN POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the bill, H.R. 3250.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3250.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EARLY DETECTION MONTH FOR BREAST CANCER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 158, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 158, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend, the Republican whip, for yielding.

On Monday the House is not in session.

On Tuesday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business.

On Wednesday the House will meet at 10 a.m. for legislative business and recess at approximately 5 p.m. to allow a security sweep of the House Chamber prior to the President's State of the Union address. The House will meet again at approximately 8:35 p.m. in a joint session with the Senate for the purpose of receiving an address from the President of the United States.

On Thursday and Friday the House is not in session to give time for the Republican Issues Conference to occur in Baltimore, Maryland.

We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by close of business tomorrow.

In addition, Madam Speaker, we will consider H.R. 3726, the Castle Nugent National Historic Site Establishment Act of 2009; and H.R. 4474, the Idaho

Wilderness Water Resources Protection Act, introduced by Mr. MINNICK and Mr. SIMPSON.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would ask the gentleman if he can comment on some of the press reports that we have seen this morning about the Speaker's statement that this House and you will not be bringing to this House the Senate health care bill for consideration.

I yield to the gentleman.

Mr. HOYER. Well, I didn't see the Speaker's statement; so I can't comment specifically on it, but I can say this to the gentleman: As the gentleman knows, there are significant, critical differences between the House and Senate bills and we have been working on trying to bridge the differences that exist. We are still in that process.

Mr. CANTOR. I thank the gentleman. I would ask, Madam Speaker, and I would first preface the question by saying that this country saw a pretty extraordinary election in Massachusetts a few nights ago. From all reports, it seems that part of the outcome of that election was due to the health care bill and the difficulties which the gentleman's side has had in passing the bill. We on this side, Madam Speaker, would say there has been no bipartisan effort to pass a health care bill. And so if we are going to see a resolution of the differences that the gentleman refers to, those differences are clearly being on his side of the aisle because, Madam Speaker, we feel that we continue to be left out of the process.

So I would ask the gentleman if he has not decided whether he is bringing up the Senate bill or the House bill again, will we see the process start over? Will we see his side take the message from the Massachusetts election to involve Republicans in discussion over the health care bill and have a transparent process the way we believe ought to happen as well as I believe the American people think should happen?

I yield.

Mr. HOYER. Well, I thank the gentleman for his question and all of the premises he adopts in prefacing his question. I don't want my silence to be presumed as agreeing to his premises, which I think are inaccurate.

Having said that, first of all, of course, there has been extraordinary exposure of the health care bills, both in the House and Senate, to public discussion, public debate, public information. It has been online for over 4 months, 5 months now, and an extraordinary number of hearings held on it over the last 2 years. As the gentleman well knows, his party's candidate for President and my party's candidate for President, who is now President of the United States, both indicated that they thought health reform was necessary. So it received extensive debate by many other candidates as well during the course of the election.

The gentleman is well aware because Members on his side have talked about

it and Members on my side have talked about it, about the number of Americans who don't have insurance and the number of Americans who are being forced out because of cost and the number of small businesses that are being confronted with 10, 15, 25 percent premium increases.

□ 1315

So the gentleman is well aware of the fact that health funding and health coverage is a challenge for our country and for our citizens.

The gentleman mentions the election. The election, obviously, that occurred in Massachusetts, like every election, dealt with many issues. My own view is that Americans are most focused, as we need to be, on the creation of jobs, making sure that Americans get back to work, have a livelihood that they can support themselves and their families. I think they are very concerned about that.

They are also concerned about the fact that we pass a health care bill. I have just read a poll, an exit poll that indicates that the majority of voters who had voted for Obama but voted for the new United States Senator-elect from Massachusetts believed that we ought to pass a health care bill. So, obviously, their vote for the new Senator was based upon something other than that particular issue.

So obviously, there were a number of issues that impacted on this election. But let me say again that almost all the candidates running for President last time, when they articulated a focus on national issues, focused on health care and the need to make sure that health care was available to all of our citizens.

Now, as relates to the gentleman's bipartisanship, the gentleman was quoted apparently just a few days ago about referring to our meeting. Our meeting of course dealt with a one-page recitation of three or four proposals, many of which are in the health care bill that we passed in this House in one fashion or another. Notwithstanding that, of course, as you know, no Republicans voted for the bill.

I was not surprised at that, frankly, because in February, apparently not based upon the specifics of a proposal, because the specifics of a proposal were not on the table until the summer, your campaign chairman, PETE SESSIONS said, "I told Republicans that they need to get over the idea that we are participating in legislation and ought to start thinking of themselves as an insurgency instead." He was quoted in the *Politico*, House GOP Bullish at Virginia Retreat, February 2, 2009, as saying that.

Furthermore, Senator JIM INHOFE on the Hugh Hewitt Show, 7/23/09, said, "We can stall it. And that is going to be a huge gain for those of us who want to turn this thing over in the 2010 election." Senator JIM INHOFE, as I said, said that. And then Senator JIM DEMINT said, also in July of '09, "If we

are able to stop Obama on this," referring to health care, "it will be his Waterloo. It will break him."

Very frankly, I tell my friend that I have discussed with him and with Mr. BLUNT, my good friend, who was his predecessor, and with whom he worked in the whip organization, and asked him to participate with us. I did that early this year. I did it a little later in the year. Sometime before I met with you as well in trying to discuss was there a way forward to work in a bipartisan fashion? Unfortunately, that did not result in a bipartisan fashion.

I will tell my friend on a smaller, more defined matter, the Children's Health Insurance Program, I spent about a hundred hours trying to work with many on your side of the aisle to try to get—in the last Congress—to try to get bipartisan agreement on moving children's health insurance. And as I am sure you recall, because you weren't with us on that issue, we couldn't get bipartisan agreement.

So the answer to your question is I would like to have bipartisan discussions moving forward on this issue, but I have concluded from my experience over the last year, and not just these—I quote three, but there have been many other statements as well—that indicate that opposition for opposition's sake has been adopted at least by some on your side as a strategy and as a tactic.

I think the losers are not so much Democrats in that context. I think the losers are the American people. They expect us and want us to work together towards resolving the issues that confront them, one of which is health care. They know it is an issue. I read the results in Massachusetts. But I will tell you I have also read the polls which, when asked, not so much about a bill, but whether or not health care reform is needed in this country, a very significant majority of Americans respond they think it is.

They think that when they are denied coverage for preexisting conditions, that is a problem. They think when their child becomes 26 years of age, or now 23 years of age and out of college and doesn't have insurance, they think that is a problem. They think that when they have a very serious illness costing them thousands and thousands of dollars, that an insurance company telling them, sorry, you cost too much, we can no longer insure you, they think that is a problem. When they go deeply into debt for health care costs that aren't covered by their insurance company and have to declare bankruptcy and put their home at risk, they think that is a problem.

So, yes, I tell my friend that these are issues that we would like to work together on, and we hope that can happen.

Mr. CANTOR. I thank the gentleman, and I take the gentleman's comments to heart that he wants to do what is right by his constituents and the people of this country. But the question

we have before us, the question that the voters of Massachusetts had before them, just like the voters in Virginia and New Jersey, had a lot to do with the health care bill that this House deliberated upon and passed, and the health care bill that the Senate deliberated upon and passed.

And, Madam Speaker, I would say to the gentleman there is very little disagreement among the pollsters that have tested where the American people are on these health care bills. They are opposed to these health care bills. And you may insinuate that some of the comments that have been made by individuals in this body or the other on our side of the aisle were meant to obstruct.

But I can tell the gentleman, Madam Speaker, that the American people right now want this health care bill defeated. They want health care reform, but not in the way that has been constructed under either one of these bills. And if I recall, and I appreciate the gentleman's willingness to meet with me several months ago, and I don't want to take his comments as being dismissive of our proposal, because I handed him a summary, but I can tell the gentleman right here is the House Republican bill. And there are elements in this bill we can both agree upon. The plan is still before us. And if we take into consideration that, we have got a plan. The public doesn't like the gentleman's plan.

And fast forward to a discussion the gentleman and I had on the floor, I believe, Madam Speaker, that the gentleman told me it was not worth his while to engage in conversation with Republicans because we would not embrace the public option. I would tell the Speaker—

Mr. HOYER. Would the gentleman yield on that point?

Mr. CANTOR. I would tell the gentleman we still don't embrace the public option. We don't embrace it because it is a path to single payer. So I would ask the gentleman again, the Speaker earlier today said, quote, "I don't think it is possible to pass the Senate bill in the House. I don't see the votes for it at this time." I would ask the gentleman, Madam Speaker, if that is an accurate statement that we can then count on.

Mr. HOYER. I don't know about counting on. I don't know what you mean by "counting on." I think the Speaker's comments this morning, you asked me if it was an accurate statement. I think she believes that is an accurate statement in terms of where the votes are today. I responded, as I told the gentleman, there is substantial differences. We are discussing those differences, as we have been for some period of time.

Let me make another comment. The gentleman is very animated and very happy, as I would be in his position, about the results of Massachusetts, as we were very happy about the results in New York 23, where the health care

bill was also at issue, as the gentleman knows, in a district that we hadn't won for 150 years just a couple months ago. And as the gentleman knows, we won that district in a district, as I said, unlike Massachusetts, that we had not won in 150 years.

But let me say something. Your candidate who did win supported the Massachusetts plan, which has great similarity to the plan that he now opposes. So it is somewhat ironic that we would take that as a bellwether, because he, as a member of the State senate, actually voted on a plan that, much like our plan, tried to reach the objective of covering all people. So he has already voted for a plan like that. He has indicated he is not going to vote for this plan. I understand that. But it is not like he hasn't got a record of wanting to achieve the objectives that the bills that are under discussion are trying to achieve.

Mr. CANTOR. I thank the gentleman.

I would respond simply by saying most indicators are the voters of that Commonwealth voted for Mr. BROWN because of his stances, and one of those stances was that he would vote against the Senate or the House health care bill as they were constructed. And I agree with the gentleman we need to do something about health care.

I would remind him that it is the CBO who has pointed out that our Republican plan is the plan that actually does reduce health care premiums. That is where we started this whole discussion, was to reduce health care costs for the American people, and continue to reform the system so we can maintain the quality we have.

And, Madam Speaker, I just say that it is time, I think, for this body to finally listen to the American people and what they are asking us to do, run this body in an open and transparent way, stop the back room deals, the Cornhusker Kickbacks, the Louisiana Purchases, and make it so that this is once again the people's body. And we can all then deliberate out in the open, agree where we can agree to produce the positive reforms that the people expect.

With that, Madam Speaker, I would ask the gentleman what his intentions are or what he thinks we can see in this House as far as an attempt to address the issue that the majority leader said was the number one issue on the minds of voters in Massachusetts, as well as the country, and that is the economy. Before we left for the winter break, we had a bill that came up that was dubbed a jobs bill. There was a lot of difficulty I know on his side in mustering the needed votes to get it passed. And I was wondering is there legislation he has in mind that would be offered to address the situation that Americans confront, which is double digit unemployment? And I yield.

Mr. HOYER. I thank the gentleman for the question. In answer to his question, we passed a jobs bill through this House in December. It is pending in the

Senate now. We believe that that would substantially move forward on creating jobs. It is not the answer, but it is one of the answers we think. It focuses, as the gentleman knows, on infrastructure, which we think is a very important initiative that gets people working immediately, jobs here in America. We think that is very important. It also tries to help States so they are not laying off teachers and policemen and firemen. We think that is very important as well.

But let me say something. I get a little confused, and perhaps these facts are not well known to you, but I thought I would remind you of these facts. We pursued an economic program that your party put forward from 2001, 2003 on for 8 years. Now, while the people gave us the majority in the House and the Senate in 2006, obviously President Bush threatened to or did in fact veto any changes that we made in economic policy.

□ 1330

That economic policy, which you were a very strong supporter of and your party was a very strong supporter of, you continue to mention jobs; so I want to make sure you know these statistics.

In the last 3 months of the Bush administration under the economic policies that not only did you pursue then but you still want to pursue, because, in fact, the proposals that you have made essentially mirror the proposals that were made in 2001 and 2003, those proposals were touted by you and others—I'm not going to go through all these quotes—as going to grow the economy, create jobs, and have a robust growth in our economy. In November and December and January, that policy which you pursued lost 2,019,000 jobs in 3 months, and we confronted the worst recession, the "great recession," if you will, worse than at any time in three quarters of a century. And it somewhat confounds me that you still—your party, not necessarily you personally—presents an economic policy which was the poorest job-creating administration, 8 years, since Herbert Hoover, an average of approximately 4,000 jobs per month. You needed 100,000 just to stay even.

Now, I would tell the gentleman, since the Recovery Act, which you nor your party voted for, since the Recovery Act, let me tell you what the last quarter was. Perhaps you know. We still have not succeeded in growing jobs, so we haven't had success, but we've had great progress. Let me tell you how much progress. Remember I told you that you lost, in the last 3 months under your economic program, 2,019 million jobs. The last quarter we lost 208,000 jobs, a quarter, 3 months. That's way too many jobs. We want to be creating, as the Clinton administration did, on average 220,000-plus jobs per month; 22 million in total over 8 years.

So I tell my friend that when the gentleman says we haven't had

progress on this, those figures, in my view, belie that assertion. In fact, we made progress. Not only that, the stock market is up 60 percent. It's had a couple of bad days. It's up 60 percent since we adopted the Recovery and Reinvestment Act. It had a minus growth under your economic policies during the 8 years of the Bush administration, minus to the extent it decreased in value so that the investment I had in 2001 was about 26 percent less valuable in December of 2008. Contrast that to the Clinton administration in its 8 years. The value of your stock portfolio or investments went up 226 percent. That's a 250 percent difference.

So I tell my friend that we have taken very substantial action. We're going to take more action because until we get Americans back on the job, until we get America growing so that it creates the kind of jobs our people need and must have to support themselves and their family, we're not going to be satisfied.

So, yes, we passed a bill last month which you and your party voted against. We think that's unfortunate. If you have ideas, I would love to sit down with you again and discuss your ideas. Very frankly, however, some of the ideas we've discussed to date are some of the same ideas that, in my opinion, led to not such a robust job-creating economy; in fact, as I said, the worst economy we've seen in 75 years.

I yield back.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

First of all, I know that it is tempting for the gentleman to delve into the past, comparing the Bush policies to the Clinton policies, but I know the gentleman realizes we are in the year 2010. We have new challenges before us. And I would say that the piece of information left out by the gentleman is the fact that it was his party that controlled Congress during some of the period in which he cites the job losses. In fact, there have been 3.6 million jobs lost just since January of 2009.

I would then say to the gentleman, as far as the stimulus bill that you speak of—

Mr. HOYER. Will the gentleman yield just on your assertion that we were in control?

Mr. CANTOR. I will yield at the end of my statement.

My point is that the stimulus bill that passed almost 1 year ago, there is growing consensus here that it was not sufficiently targeted toward job growth. In fact, even the portion of infrastructure spending that the gentleman and his party and this White House decided upon, the design of that spending, the Associated Press has come out with a study indicating it did not grow employment at the local level in the communities which we represent.

So if we understand and know that that is not the way to grow jobs, that is, the design of the stimulus bill, why would we vote for Stimulus II? In fact,

I would remind the gentleman, as I know he remembers, the bipartisanship around the Stimulus II vote in December was against the bill, as well over 30 Members on his side of the aisle voted against the bill because, again, I believe it is trying to get it right this time.

And so instead of the gentleman's continuing to refer to years ago, I would remind him that we have presented to him as well as to the President a Republican no-cost jobs plan. The gentleman has dismissed that document and that plan saying there is nothing for free, that we shouldn't be talking about things that we could do together that don't cost anything.

I would say to the gentleman, the President himself has said that within the passage of three trade bills sitting in this body, we could see the creation of 250,000 jobs. We have had discussion on this floor about whether those trade bills are coming forward; 250,000 jobs at no cost. It seems to me we really should go about doing that as well as the other items that we listed in our no-cost jobs plan that the House Republicans have put forward.

And I yield to the gentleman.

Mr. HOYER. I thank the gentleman.

First, let me observe that the gentleman—I don't blame you at all for not wanting to look back at history. I wouldn't want to stand on that record either, but it's important to look at history so that we don't repeat the same mistakes.

The assertions that were made for the policies that you pursued of great growth and economic expansion—which did not occur. That's why I point it out, because, frankly, your proposals mirror those that have been made in the past, and the premises that you have pursued are the same that you are pursuing now.

It is instructive, I think, for the American people and for us who represent them to look at what worked and what didn't work. Your party unanimously opposed the Clinton economic policies. Mr. Armey, an economist who was your majority leader, said that they would fail miserably. In fact, they succeeded mightily. They created those 22 million jobs that I said. In fact, in the last year when there was a slowdown, they created 1.8 million jobs as opposed to losing 3.8 million jobs under the last year of the Bush administration. I think it is instructive to see what worked and what didn't.

So that is why I refer to it, not because I think that will solve our problems going forward. I agree with the gentleman. What is important is: What are we going to do now? But we would be fools, as the writer said, to continue to do the same thing and expect a different result.

So I say to my friend, when he asserts that we were in charge in 2007 and 2008, he and I both know that economic policy was not changed. Why? Because the President of the United States, who

had the veto pen and the votes to sustain a veto, even when we tried to give 4 million children health insurance in America, that veto was sustained. They were not given that insurance until President Obama signed the bill, which was one of our first bills.

So I say to my friend, looking back is useful only to the extent that you ensure that you do not repeat the mistakes of the past. The Clinton economic program worked and the Bush program did not.

I want to tell my friend on his points for recovery, this so-called free recovery, supply-side recovery, if you will, one of the first things you want to do is stop the deluge of rules and regulations. Very frankly, I tell my friend one of the reasons we faced such a crisis was the last administration took the referee off the field. As a result of the referee's being off the field, the players on the field went wild and did irresponsible things and, unfortunately, the taxpayers of this country, in order to prevent a great depression as opposed to a great recession, had to respond. The good news, hopefully, is that we are going to get paid back. The President has made efforts to make sure that happens. I hope, and you hope, I'm sure, that we do get paid back.

You want to block tax increases and cutting taxes. We cut taxes for 95 percent of Americans, as I'm sure you know, in the Recovery and Reinvestment Act. You want to freeze investment in items like job training, infrastructure, and education to rein in deficits and debt. You want to freeze investments in giving people new skills so they can get the jobs that are being created. We don't think that's good policy. Your program says you want to reform the unemployment system by requiring people to participate in job training. We agree with that, but you have to make sure that the job training is available to them.

Approving the free trade agreements, as the gentleman knows, I am a supporter of the free trade agreements. I don't think it would create those 250,000 jobs tomorrow or the next month or the month after, but I agree with the gentleman that that's a good policy. It's controversial policy, I say to my friend, as he well knows, on both sides of the aisle.

You want to reduce tax barriers that inhibit domestic job creation. The Recovery Act, as you know, had tax cuts for small businesses to do exactly that. Your side didn't support that.

You say address the housing crisis by giving regulators incentives to deal responsibly with banks and their borrowers; however, as I pointed out earlier, in fact, and history shows that, regulation and oversight and the referee's being on the field was a policy that the previous administration thought got in the way. Well, I think that referees that get in the way of the game are not useful, but referees that make sure that people play by the rules are essential.

I yield back.

Mr. CANTOR. I thank the gentleman.

I would simply respond that the Republican no-cost jobs plan is a plan that was fashioned around the principle that we've got to remove the uncertainty gripping the small businesses and job creators in this country. So contrary to the suggestion that the gentleman made about the fact that we just want to get rid of regulation, what the plan actually said, Madam Speaker, was to halt any proposed regulation expected to have an economic cost or result in job loss or have a disparate impact on small business.

In the same way, we call for lowering the deficit now without raising taxes because, as we all know, people don't know where Washington's next move is going. And so we say let's just freeze domestic discretionary spending at last year's level. My goodness, every small business owner, every family in this country is having to go through that exercise and, frankly, is having to cut, not just freeze.

In the same way, the suggestion that perhaps Republicans wouldn't support transparency and an even playing field and regulations that will control the amount of leverage on Wall Street, that's silly. Of course we support efforts like that. But what we do know is this administration, and, frankly, the majority in Congress, has been very slow at getting the message out to auditors and regulators in the field that they should be reflecting the sentiments that the Secretary of the Treasury and the Chairman of the Federal Reserve have said, which is, we need to return back to some sense of normalcy in the assessment of risk, because we all know this country has been built on entrepreneurialism, on opportunity. It is not that we have seen our prosperity come from this government. That's where, really, Madam Speaker, the differences lie because we don't believe that the way back to economic revival is through more Keynesian economic policy.

□ 1345

The gentleman can go ahead and suggest that the Bush policies failed. Obviously, I disagree. He would probably defend the Carter policies. I would certainly disagree with that and would say that they were an utter failure. He would probably say that the policies of Ronald Reagan were a failure. I would say we disagree on that.

At the end of the day, what's really the problem here is this government, under the majority's rule and the President's, has continued to expand. We haven't put an end to the bailout culture. Every time we expect to see the TARP program end, there is another use that has come up for that money, which is an emergency program. Every time we expect to say to business owners and their working families, let's stop sending signals that we're going to impose costs on you.

So, if it's a cap-and-trade bill, if it's a card check bill, or if it's a tax increase, why can't we just say, "stop"?

Let the American people regain their sense of economic security and let the ingenuity in the private sector take hold again.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I've heard that rhetoric for 24 years here, and I've certainly heard it for the last 8 years. The gentleman likes to put words in my mouth about previous administrations of what I might say or did say.

We're talking about policies that you want to replicate which have been pursued. That was my point. It remains my point. I think it's a valid point.

Did your policies work? You can argue all you want and say the Bush administration policies worked. You have not in any way said that the figures I have said on this floor, and not only today, but you've had many opportunities to look to see whether I'm accurate on those figures, are wrong. In point of fact, they did not produce what you said they were going to produce. We need to adopt policies that do produce.

The reason I compared the Clinton administration and the Bush administration is that, under the Clinton administration, you said the policies wouldn't work. I don't mean you personally. Your party said the policies wouldn't work. In fact, it's the only administration—not the Reagan administration, not the first Bush administration, certainly not the second Bush administration—that produced surpluses. After 8 years, they had a net surplus. No administration in your lifetime has had a net surplus after 8 years other than the Clinton administration under the economic policies we pursued then, not one. So from that perspective, it's not a question of failure.

I will tell you here—and again, these statistics you don't like. You'd prefer that I simply look at the problems that we're confronting now. Why are we confronting these problems? Because your economic program did not work and plunged us into the deepest recession we've had in 75 years. Now, I raise my voice only because you simply ignore that. You say that's just carping. You say, Oh, we don't want to look at what happened. We don't want to look at what our policies produced for 8 years. We want to look into the future. We do, too. What we want to do and what we have been doing, as I pointed out to you, is trying to bring this economy out of the ditch in which we found it, in which the American people feel very stressed, properly so.

So we've got to get them back the jobs. The first thing we had to do was to stop losing so many jobs. Again, I would point out, in the last 3 months of the Bush administration, we lost 2 million jobs. In the last quarter, in the last 3 months, we've lost 200,000. It's way too many, but it's one-tenth of what your policies produced or did not produce in the last 3 months of the Bush administration.

So what? you say.

Let's not repeat those mistakes. Let's invest in our future, which is what we did in the Recovery and Reinvestment Act. Mark Zandi says that we saved over 1 million jobs—1.6 million, I believe is what Mark Zandi says—which we would have lost had we not passed that bill. So did it work perfectly? It worked better than the policies we were pursuing, frankly, that we inherited. That was my point. I think it is a valid point. If the gentleman disagrees with my figures, I'd be glad to be corrected. I think they're accurate.

Mr. CANTOR. I thank the gentleman.

Mr. HOYER. Oh, let me say one additional thing because you talked about certainty.

Mr. CANTOR. I didn't yield, Madam Speaker.

Mr. HOYER. Well, you took back the time. I really didn't yield back, but if you don't want me to continue, I won't.

Mr. CANTOR. I yield.

Mr. HOYER. Thank you. I just wanted to say something about certainty.

I agree with you. We need certainty. We tried to give certainty in the estate tax. Your side voted against that. We tried to give certainty in tax extenders. We tried to extend the tax extenders, and your side didn't vote for that. I don't think you did either, but I agree with your premise and wanted to make that clear. That's one of the reasons we tried to pass making sure that doctors treating Medicare patients knew what they would be getting years out so that Medicare would have the stability that it needs.

I yield back.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

I would say again, somehow, in the gentleman's memory of these past years, there is something that has been left out, which is this body and Congress, because, during the Clinton years, the Clinton years that saw prosperity, there was a Republican-controlled Congress. The Republican-controlled Congress yielded tax policies that we believe could once again get us back on track.

In the same way, referring to all the job losses that the gentleman continues to recite and point fingers at and blame the prior administration for, if we're going to play that game, I would say since his party has taken control of this body, we've lost in this country 6.1 million jobs. As he says, none of the job losses are acceptable.

I would say to the gentleman that there are many ways to look at these figures and who was responsible for what and who could claim credit for such, but at the end of the day, what we are facing right now is a situation where the American people and the small businesses and the working families of this country need to regain some confidence.

So I would ask the gentleman directly: If we're about removing uncertainty, is he willing to say to the small business owners out there and to the

people of this country, no card check bill this session, no cap-and-trade this session, no death tax this session, and no hiking taxes in the time of unemployment that we are in? Those are the things from which we could send a message to the entrepreneurs and small businesses to lift this veil of uncertainty.

I yield.

Mr. HOYER. Mr. CANTOR, this is a scheduling colloquy. It has gone on for a long time, and it is a very political colloquy, more political than I was involved in with Mr. DeLay, I think. That's good rhetoric. None of those are scheduled. The gentleman knows none of them are scheduled.

The gentleman doesn't like the figures, and he harks back to the, you know, we were in charge in 2007 and 2008. He knows well what we are not talking about is blame; we are talking about what policies were in force. The gentleman says we changed the economic policies in 2007 and 2008. I'm glad to hear what policies we were able to change and that President Bush signed on to. That's the issue. The gentleman wants to avoid that issue. The question is not blame; the question is what policies worked and which policies did not.

I suggest to the gentleman that of all of the issues to which you referred in your question about the so-called "death tax," the estate tax, which affects approximately half of a percent of the American estates, as the gentleman knows, and which we wanted to, frankly, increase by \$2.5 million permanently from what it will be under your policies of 1 million and 55 percent January 11—it's now at zero, as you know. That was not intended to be the permanent policy, and you simply said you'd revert under the bill that you passed, not you personally. So we want to make that certainty.

So the answer is, yes, we want to make that certain. We think that \$3.5 million per person is a reasonable amount and will cover all but one-tenth of 1 percent of the estates in America or thereabouts.

The other items to which you refer, which animate your party and some in my party as well, are not scheduled, as the gentleman knows. I'm not going to make assertions on what we will or will not schedule at this point in time, but I can tell you we don't have them scheduled.

Mr. CANTOR. I thank the gentleman. I thank him for his indulgence in this lengthy colloquy.

If the scheduling piece of this colloquy has now yielded, the fact that there is an uncertainty as to whether we'll see card check or whether we'll see cap-and-trade or whether we're going to see tax hikes, then that's the message, I think, that is going to be delivered to the small businesses that we are going to count on to create jobs.

In closing, Madam Speaker, I would note that, from Virginia to New Jersey to Massachusetts, the people of those States, and I believe the people of

America, have spoken. What the people want is a Congress that will work in a bipartisan fashion to get the American people back to work. Republicans, on our part, will continue to offer solutions just as we have done for the last year, and we hope that—

Mr. HOYER. Will the gentleman yield on that issue?

Mr. CANTOR. I yield.

Mr. HOYER. Does the gentleman believe that America spoke in November of 2008? Not just a State, not just Virginia, not just New Jersey, not just Massachusetts. Does the gentleman believe that America spoke in 2008 in voting overwhelmingly for the policies that this President put before to respond to the crisis that confronted our country? Frankly, none of us even at that point in time perceived how deep the crisis was.

We understand about votes. All of America voted handily for this President, who has put policies before this Congress to try to address the issues of bringing our economy back, giving Americans health care they could count on, making sure that we were energy independent.

You know, you talk about votes. This President was elected just approximately a little over a year ago to carry out the policies that he has been presenting, and notwithstanding that election, as I recall, your party has not supported his policies at all.

Mr. CANTOR. I thank the gentleman for that.

I would say, Madam Speaker, in closing, yes, America voted in 2008 for Barack Obama to become President of the United States. It was this November that the people had the opportunity in the two States with the gubernatorial election and then just this week the people of Massachusetts had an opportunity to vote for their Senator based on the policies that have come out of this new administration and the majority in Congress.

It is those policies that were voted on this time, and it is those policies that I believe do not reflect the mainstream of America and where the Republicans stand, ready to work with the gentleman and his party in trying to bring the debate and these policy solutions back towards where most Americans feel we ought to be heading in terms of direction for this country.

I do thank the gentleman.

HOOR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 26, 2010, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

WATCH YOUR HEART AND WHAT IS RIGHT FOR AMERICA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I am reminded of some of the tougher times in this Nation. Maybe it was the Vietnam War, when Members had to vote their consciences. I was not in Congress at that time. It might have been even further back when LBJ, Lyndon Baines Johnson, had to lead on making a body of people in this Nation equal with the 1964 Civil Rights Act and with the 1965 Voting Rights Act. I imagine it was difficult, and I imagine there were people who said, This is the wrong way to go.

We've often said on this floor, Don't watch polling in politics. Watch your heart and what is right for America. I believe the issues dealing with job creation and good health care for America are good, and the latest polls and elections don't daunt our spirits.

We are working with those on the other side of the aisle. We are working with the American people. We do want transparency, but I, for one, am not going to step away from helping people get the best health care they can. We don't know the timing of it. Maybe tomorrow.

Yet the idea to feel crushed or crumbled because of some actions that deal in politics is not the way to exercise your conscience and to do what is right for America. That's what we will do in this country and in this Congress, and I will stand on that side.

HONORING THE LIFE AND SERVICE OF AN AMERICAN HERO, SERGEANT CHRISTOPHER RICHARD HRBEK

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in honor of a recently fallen Marine, Sergeant Christopher Richard Hrbek.

He was a field artillery cannoneer with the 3rd Battalion, 10th Marines, out of Camp Lejeune. He was stationed in Afghanistan. Sergeant Hrbek was an active member of his community back in Westwood, New Jersey. He was a volunteer fireman for 9 years. In 2003, in response to the attacks on September 11, 2001, he enlisted with the United States Marines. He heard the call of duty and he answered it.

As a Marine, he served multiple tours of duty, which included combat in Iraq and Afghanistan. On December 23, 2009, under enemy fire, he saved the life of his sergeant major, who had stepped on an IED. For this, he was to be awarded a Bronze Star with a combat "V." He then set the highest example of someone who was willing to risk his life to save the lives of others.

Sadly, on January 14, 2010, he, himself, stepped on an IED, and died in the service of his country.

He is survived by his wife, Jamie Lynn Wengerter; mother, Cheryl Hodges; stepfather, James Hodges; father, Richard Hrbek; stepmother, Gail Hrbek; two sisters, Amy Dellentash and Lori Hrbek; and two stepbrothers, Jim and Beau Hodges.

His dedication to his country and to his fellow soldiers represents his tremendous sense of loyalty and selflessness. Christopher Hrbek is a true American hero. Chris will never be forgotten by his friends, by his family or by the country he fought for.

ECONOMIC INJUSTICE IN AMERICA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, here is something that will grab you. It was reported this month that Goldman Sachs, the favored Wall Street firm that has way too much special access in this city and that got bailed out by the American people to the tune of billions and is now handing those over in bonuses to their executives, has paid a net effective tax rate of 1 percent. You heard me right—1 percent, Goldman Sachs.

When most small businesses and corporations in this country are paying at a 35 percent tax rate, Wall Street's elites still don't carry their fair share. Imagine that secretaries, nurses, firefighters, cleaning crews—the middle class of this country—pay at a higher rate than Goldman Sachs.

Meanwhile, the chief executive officer of Goldman Sachs, Mr. Lloyd Blankfein, harvested over \$140 million in salary as head of that firm. When he was asked, Well, isn't this a bit too much? His answer was that he's doing God's work. I call that blasphemy.

This is fundamental economic injustice in America, and the American people know it. They're voting their frustration. They expect Congress to listen to them, not to continue to reward Wall Street's overprivileged scions at their expense.

BILL MOYERS JOURNAL

(By Bill Moyers)

The ancient Romans had a proverb: "Monday is like sea water. The more you drink, the thirstier you become." That adage finds particular meaning today on Wall Street, which began this New Year riding a tidal wave of bonuses in a surging ocean of greed.

Thanks to taxpayers like you who generously bailed banking from the financial shipwreck it created for itself and for us, by the end of 2009 the industry's compensation pool reached nearly \$200 billion. And despite windfall profits, the banks will claim almost \$80 billion in tax deductions. And nearly \$20 billion of those deductions will go to just three institutions—Morgan Stanley, JP Morgan Chase, and Goldman Sachs.

Ah, yes—Goldman Sachs, that paragon of profit and probity—which bet big on the housing bubble and when it popped—pres-to!—converted itself from an investment firm into a bank so it could get your bailout money. Now consider this: In 2008, Goldman Sachs paid an effective tax rate of just one percent. I'm not making that up—one percent!—while their CEO Lloyd Blankfein

pulled down over \$40 million. That's God's work, if you can get it. And, believe me, Wall Street bankers know how to get it.

□ 1400

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LUJÁN). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LISTEN TO US

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

Mr. BRIGHT. Mr. Speaker, on Tuesday night the people in Massachusetts reiterated a message too often forgotten in Washington, that message being "listen to us." I have heard this message for quite some time now as I go and travel throughout and across my district.

People are fed up and angry, and they think that Congress and the White House are not listening to them. They think that Washington is moving in the wrong direction and is ignoring them altogether. As we say in Alabama, the Massachusetts election was a bell ringer, and leadership needs to listen to that bell ringing.

The current state of health care reform epitomizes their disgust. We can all agree that health care is a concern and needs to be reformed. But what good is health care reform if people don't have jobs, if they can't feed their children, they can't pay their mortgage, they can't pay their bills? I have heard this message from my constituents, and I know our primary focus must be on the economy and jobs.

I am not alone in my opinions. Elected officials from across the country and across the political spectrum are hearing the same comments: Congress needs to focus on the economy; the health care bill is too massive; I don't like the process, are common refrains as I travel across my district.

Closely rivaling Americans' concerns about the economy is their wariness of Federal spending. Too often in the past, Congress was not held accountable by the people, but trillion-dollar deficits as far as the eye can see have awoken them, and rightfully so. For our children's and grandchildren's sake, we must get our fiscal house in order.

To be sure, these challenges are not easy to solve. Improving the economy in the middle of a budget crisis is a tall

task, but we were sent here to Washington by the people to be their voice and tackle these immense challenges.

There is plenty of blame to go around for our current condition. Democrats need to recognize that ambitious plans to address longstanding priorities such as health care, energy, and other spending initiatives must be postponed if the will of the people disagrees with this agenda. And Republicans must remember that they were in charge when hundreds of billions of dollars in deficits were common even when our economy experienced brighter days. History can't simply be swept under the rug.

Without further blame on the part of either side, there are some simple solutions that will help solve some of these problems.

First, we must reinstate statutory PAYGO. Statutory PAYGO budgeting rules were in place when we experienced record budget surpluses in the late 1990s. PAYGO rules are the only proven way for Congress to keep spending in check.

Second, we should pass a fiscal budget commission, and pass it cleanly. This commission will force Congress to act on legislation to reduce excessive long-term government spending and support for some kind of a fiscal spread across party lines. But, too often, leadership of both parties ignore these commonsense solutions. Let's come together, not as Republicans or Democrats, but as Americans, to do the work of the people.

In the coming months, leadership needs to heed the call of their own constituents and people around the country. They need to listen to the good ideas of people in both parties, and especially from the moderates who are willing to listen to and to work with the other side.

Let's put our heads together and fix the economy while not breaking the bank. Let's find smart and innovative solutions, such as the America Works Act and the Small Business Start-Up Savings Account Act, that will help get our economy back on track. Let's help small businesses and focus on improving Main Street and not just Wall Street. Let's extend the 2001 and 2003 tax cuts to give families continued assurance that the Federal Government won't be asking any more from them in these troubled times.

And while we are addressing these problems, let's get rid of some of the things that have divided us in the past. Let's stop using harsh partisan language and rhetoric that serves little purpose other than to undermine the faith that the American people have in both parties.

Let's sit down and thoroughly debate issues and not rush to pass a bill simply for the sake of doing something. Let's open the doors to the public so the public can see the legislative process.

And, finally, let's stay focused on the issues for which we have a real mandate: improving the economy and creating jobs.

These are lessons we should all take away from what the people, our constituents, are saying. I hope the leadership and the White House are listening today. It is not too late to change course, but we can't continue down our current path. The people are saying, Listen to us. And I certainly hope our leadership will heed that call before it is too late.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ISRAEL'S RIGHT TO EXIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, since the rebirth of the nation of Israel over 60 years ago, radical jihadists have relentlessly tried to destroy this nation.

Funded by Iran, Hezbollah attacks from the north and thousands of unguided rockets have rained down on Israeli villages. That is right: unguided missiles. That means they deliberately go anywhere and hit anybody where the missile is fired. That includes men, women, children. It doesn't matter to Hezbollah. They want to kill in the name of terror.

Hamas does the same thing in the south. Over 12,000 missiles have been launched into Israel from the Gaza Strip alone. I have been to Israel, and it is a small country. It is the size or smaller than the size of New Jersey. But yet from the north they get missiles, from the south they get missiles. But they still exist, and they have the right to exist. Israeli citizens fight these radicals rather than give up and surrender. After all, victory never comes by taking the path of least resistance.

These are unprovoked attacks into this nation. Israel is assured by us, the United States, that she has the right to defend herself, but sometimes we try to interfere with her own national defense. Israel is our strongest ally in the Middle East, and we need to treat her as such.

The whole situation is made even more complicated by Iran's pursuit of nuclear weapons. The Tiny Tyrant in the Desert, Ahmadinejad, has the means to hit Israel with missiles. And not only Israel, but our troops in Iraq and Afghanistan.

Iran is the largest state sponsor of terrorism in the world, and to allow Ahmadinejad to have nuclear weapons is not a nuclear option. The Tiny Tyrant Ahmadinejad uses murder and brutality to try to silence protests in his own country of Iran. Imagine what he will do to the world if he has nuclear weapons.

The best great hope for the world is that the people of Iran change their regime, and we should encourage and support the students, the academics, and others not to give in to their oppressive dictator.

Israel has been fighting radical jihadists for decades, and they have been on the front lines. Terrorist attack after terrorist attack, they have endured. We all remember the massacre of Israeli Olympic athletes in Munich in 1972. And then there was the slaughter of Israeli teenagers in a pizza parlor in Jerusalem in 2002.

Radical Islam kills people they hate. They kill them in the name of religion, people of different religions, like Jews, Christians, and even moderate Muslims.

The modern State of Israel was founded in the wake of the Holocaust, after 6 million Jewish people were murdered by the Nazis. The reestablishment of Israel reflects the best conscience of a civilized world. And Israel has the absolute right to exist, just as other nations do; and it has the absolute moral right to defend itself against those who want to eliminate her.

Israel is our partner and ally in this fight against terrorists, terrorists who deliberately target civilians. Innocent women and children are considered military combatants to terrorists. Jihadists use women as hostages and hide behind their skirts for their cowardly cover.

Some history is in store here, Mr. Speaker. Back in 1967, Israel was forced into a war by Arab nations. President Nasser of Egypt threatened to "drive Israel into the sea," and the conflict is now called the Six Day War. The armies of Egypt, Syria, Jordan and Lebanon amassed on the Israeli borders, and President Nasser of Egypt ordered the United Nations emergency troops to withdraw from the Sinai Peninsula. So the whole world watched and waited for the destruction of Israel. The United Nations stood by and did nothing.

But to the shock of the world, Israel turned back all of the aggressors in just 6 days and headed to the enemy capitals.

Israel won a defensive war on the West Bank, Gaza, the Sinai Peninsula, and the Golan Heights. A cease-fire was then negotiated.

International law says that countries must return land gained from a defensive war only under a negotiated peace. So Israel and Egypt have since signed a peace treaty. Israel gave back the Sinai. Time and again Israel has traded land for peace, but it still has no peace.

All of the nations of the Middle East must condemn terror as a policy for change. The Palestinians and Israelis must settle their disputes now, some 60 years later, through mutual respect, cooperation, honesty, and understanding. But intimidation, terror, murder is not an acceptable foreign or domestic policy and should be publicly and jointly rejected by all sides.

Make no mistake about it, Israel will not surrender or retreat in the wake of this violence. Israel shall never give in and never give up the right to exist, whether jihadists like it or not. And the United States should make it clear to terrorists that we will stand shoulder to shoulder with our friends and allies.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFazio) is recognized for 5 minutes.

(Mr. DEFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

(Mrs. MILLER of Michigan addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. REICHERT) is recognized for 5 minutes.

(Mr. REICHERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MARCH FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 60 minutes as the designee of the minority leader.

Mr. PITTS. I rise today on the occasion of the 37th anniversary of the infamous court decision *Roe v. Wade*. I rise on the occasion of the annual March for Life that will occur tomorrow with tens of thousands of citizens who will

come to Washington to publicly speak out on this issue of life and the sanctity of life. I just want to say to those who are coming, I want to thank them, the people from all across the country who come, for their dedication to a cause that matters so much, the cause of life.

Every year on this day, people across the country pause to remember the millions of lives that have been lost since *Roe v. Wade* was decided on that fateful day in 1973. In just 37 years, nearly 52 million unborn children have been lost to abortion. Sadly, we can never know what those lives may have been—doctors, teachers, athletes, perhaps even Congressmen and Congresswomen. We mourn the loss of those unborn children.

But I also want to take a moment to rejoice in the millions of lives that have been saved because women have chosen life. Because of the caring people like those who will come and march this week in Washington, because of the pregnancy care centers, so many women have opted not to have abortions but instead carry their babies to term.

Many of us may have heard that this year's Super Bowl will feature a commercial that tells a story of a well-known quarterback, Tim Tebow. Tim's story is a powerful one. His mother, Pam, became pregnant while she was working with her husband in the Philippines as a missionary. While pregnant, Pam contracted amoebic dysentery through contaminated drinking water. She was told that the medications required to treat her illness would cause irreparable damage to her unborn child, and so Pam was encouraged to have an abortion. Thankfully, she refused, and her son, Tim, went on to play starting quarterback for the Florida Gators and in 2007 was awarded the Heisman Trophy.

Let me share one other brief story. As a baby, Patrick Henry Hughes was born with diseases that caused him to be both blind and crippled from birth. By some accounts, his life may have been considered less valuable. But Patrick has a unique gift. He has become an amazing multi-instrumental musician who inspires people across the country with his music. In 2006, he was recruited to join the marching band at the University of Louisville. He joined the band, playing the trumpet while his father pushed his wheelchair through the marching routines. Patrick is an inspiration to so many around him. And when asked about the challenges they have faced, Patrick's father said he now asks: What did we do to deserve a special young man who's brought us so, so much?

For both of these stories, there are hundreds of others that remain untold; hundreds of lives that may never have been were it not for those who continue to stand on behalf of the unborn.

First, I want to thank those who are coming tomorrow to visit and march for life.

Now, at this time, I would like to yield to my colleague from Ohio, JEAN SCHMIDT, who's chairperson of the Pro-Life Women's Caucus.

Mrs. SCHMIDT. Thank you to my good friend.

Mr. Speaker, I rise to talk about this issue. I'd like to take a few minutes to not only say that this is the 37th anniversary of one of the most dark days in the U.S. history, but to talk about the ramifications of what that act did.

To give you a little history, the pro-life movement actually began in Cincinnati, Ohio, and it began before 1974 in a little place called College Hill by folks by the name of Barbara and Jack Willke. Jack's a doctor. His wife, I believe, is a nurse, but I could be wrong. But they, along with some other folks, were involved in another crusade in Cincinnati, and they became aware that this whole issue of abortion was suddenly creeping up in the State legislatures and they wanted to make sure that Ohio did not allow abortions. So Barbara and Jack formed this little group to fight it in Ohio.

It was Barbara that said to Jack Willke, You know, Jack, under the Constitution, everybody deserves the right to life, including that of the unborn. And he looked at Barbara and he said, That's the name of our movement.

And look at how far that movement has grown. It is a national and an international movement. I'm proud to lay claim that Cincinnati is part of my district, and while College Hill is not technically in my district, it is part of Cincinnati. And I'm very proud of the work that Barbara and Jack have done, but also proud of the work that my parents did. I'm proud of the fact that they educated me on this issue when I was old enough to understand it, because the impact of abortions really hurts all of us. But I truly believe that it hurts women the most.

I want to talk a little bit about the privilege that it is for a woman to be able to have a child. If we didn't have the opportunity to create, none of us would be here. But it is the woman's privilege to carry that baby inside of her until it is full term. And women, if they pay attention to themselves, know that, yes, they're carrying that baby right from the beginning, because we see some things changing inside of us. But back in 1974, they didn't have all the fancy equipment that they have today. They didn't have all the ultrasounds and the three-dimensional ultrasounds, and so in 1974 maybe it was a little easier to think that baby wasn't a life. But we know that it's a life today, and we know that it's a life immediately.

It's interesting, because the impact of the Supreme Court's decision has been immediate and devastating in the United States. The number of abortions in this country skyrocketed after that horrible, horrible decision. It skyrocketed from about 750,000 in 1973, to more than 1.3 million in 1977. Think

about the lives that are lost. Think about the potential doctors, lawyers, football players, race car drivers, politicians, Presidents, Air Force Generals that have been lost; moms, dads, sisters, brothers, aunts, uncles. By 1985, the number has grown to an astonishing 1.6 million abortions performed in a year, and the United States soon became the country with the highest number of abortions. I could go on.

The reasons for abortions were easy to understand. Women thought that it was a way to get out of an unwanted pregnancy. They didn't understand that the consequences of that decision would be more lasting and more far reaching than it would be to have had the child alone. As reasoning for these abortions, one national survey found that a quarter of the women thought that the timing of their pregnancy was wrong. Another 19 percent thought that they could not afford to keep the child at the time, and almost 10 percent thought that they were just too young. Simply put, these answers indicate that the short-term legacy of the Supreme Court's decision in Roe was the enabling of the American woman to terminate the life of a child when it happened to be inconvenient or fitting for their lifestyle. You know, I could go on.

But the tide is changing. Maybe it's changing because of the miracles of modern technology. Maybe it's changing because a woman can find out immediately she's pregnant and immediately pay attention to those signs in her body. Go to the doctor, get that ultrasound and realize that baby is alive, well, and kicking. Those moms know that's a real live human being.

In 2005, the number of abortions performed were actually down to 1.2 million, a modest but welcomed decrease. And these abortions were performed by only 2 percent of this country's OB/GYNs. The reality is abortion is no longer a part of the mainstream medicine, and the vast majority of the hospitals in the United States, religious or secular, now choose not to perform elective abortions.

Yes, the tide is turning, but much has to be done. For example, the last 12 months have tested the pro-life movement here in this House—its initiatives, its resolves—more than ever. During this time, pro-life advocates like me have been forced vigorously to preserve this country's longstanding ban on the Federal funding of abortions, and it was a major success when the bipartisan majority of the House of Representatives voted in favor of including language equivalent to the Hyde amendment in the infamous health care bill. The Stupak amendment prohibited the funding of abortions. But we need to continue that fight on this issue in the upcoming months to ensure that similar language is included in any final bill that may come forth before this Congress, for the vast majority of Americans do not want their Federal tax dollars to pay for elective abortions.

But we also have to fight for our medical establishment. We have to fight to make sure that the conscience protections for our country's faith-based medical providers are in place. These individuals should not have to choose between their morals or their livelihood. They should not have to face discrimination or retribution for refusing to perform procedures that offend their deeply held beliefs. They should not be forced to participate in procedures like abortions that cannot be described as health care. Yet, there are those in Washington who want to abolish these conscience protection clauses for these people and force them to do just that.

We need to work together to ensure that their faith-based belief is held in tact, because when we make the choice to protect our country's medical providers and when we make the choice to preserve our country's laws prohibiting the Federal funding of abortion, we continue to reshape the lasting legacy of Roe v. Wade. This is the best way that we can honor the anniversary of Roe and the millions and millions of lives that have been lost.

I yield back.

Mr. PITTS. I want to thank the gentlelady for her eloquent words.

At this time, I yield to the gentleman from Louisiana, JOSEPH CAO.

Mr. CAO. Thank you very much for yielding.

Mr. Speaker, as America embarks on its 37th anniversary of Roe v. Wade tomorrow, thousands will participate in the March for Life in our Nation's Capitol. But, fundamentally, this year's anniversary of Roe v. Wade should have deeper meaning than previous years. Amid the current debate on health care reform, the abortion issue has once again risen to paramount importance. Unfortunately, the current bill has made an unsuccessful attempt to address affordable health care by ignoring the controversial issue of abortion.

Abortion is an inhumane perversion in our society. As I have stated previously, it is a distorted emphasis on rights, to the disregard of individual responsibilities. When President Obama addressed a joint session of Congress last September, he said, "under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place."

□ 1430

Why then is the current health reform under the Senate plan being touted as the right plan for America? The health care legislation passed by our friends in the Senate does not reflect the longstanding Federal policies that ban abortion funding, and I will absolutely not support it as it is written.

The fundamental right to life in this country was reinforced and more succinctly elaborated in the first 10 amendments to the U.S. Constitution. These 10 amendments, more commonly known as the Bill of Rights, have

served as the heart and soul of our legal tradition and the foundation upon which we have built the most powerful democracy in the history of the world. Yet the balance between rights and responsibilities have served as a basis for an ethical context, but now it is skewed.

Our society has distorted this view of individual rights versus responsibility so that good somehow gets distorted with evil. We have misrepresented the rights to individual freedom, and now we basically have no regard for human life. The result is a social policy devoid of moral coherency. To protect individual rights, we have distorted the continuity of human development to portray the human fetus as something less than human and, therefore, can be disposed of. And there are those who diminish the words of pro-life advocates and aim to demean their passion for life by citing a woman's right to choose or a woman's right to protect her health. But I say that this is a distorted view of protecting a woman that is actually endangering the woman.

An abortion causes mayhem to the psychology of the mother and the future life of the entire family. Her emotional health is never the same, and though anesthesia may provide some physical relief, there is no anesthesia for her mental and spiritual health.

A study in New Zealand, where abortion is legal, showed negative effects in women who had abortions. Researchers for the Christchurch Health and Development Study conducted a 25-year study on the long-term effects of abortion on the mental health of young women between the ages of 15 and 25. These scientists reported to the *Journal of Child Psychology and Psychiatry* that those having an abortion have elevated rates of mental health problems, including depression, anxiety, suicidal behaviors and drug-use disorders.

Another study conducted by researchers at the University of Oslo in Norway compared 40 women who had had miscarriages with women who chose to have an abortion. Although miscarriage was associated with more mental distress in the 6 months after the loss of the baby, abortion had much longer lasting negative effects. The proportion of women having had a miscarriage who were suffering distress decreased during the study period to 22.5 percent at 6 months and to just 2.6 percent at 2 years and 5 years respectively. But among the abortion group, 25.7 percent were still experiencing distress after 6 months and 20 percent after 5 years. The researchers also said that women who had an abortion had to make an effort to avoid thinking about the event.

Mr. Speaker, I just came back from Southeast Asia on a CODEL to Vietnam, Cambodia, Laos, and Japan. While I was in Cambodia, I had the opportunity to visit the killing fields in Cambodia. And while visiting the killing fields, they showed us a tree where the followers of Pol Pot would hang

and would slam innocent little children on the trees. The Pol Pot regime killed approximately 1.6 million of its people between 1976 and, if I remember correctly, 1980, and the world screamed in outrage at the deaths of 1.6 million people. The Holocaust killed 6 million, and we continue to scream in outrage at the 6 million Jews who were killed during World War II by the Nazi regime in the Holocaust.

From 1973 to the present, in the United States alone we have murdered over 40 million children. Just imagine that: If we scream in outrage at the innocent children that were slammed and hung on the tree in the killing fields, yet, after 40 million children killed in this country, we still hold a policy that allows for the legal killing of innocent children. If that is not a skewed sense of ethics, I don't know what is.

I agree that America needs responsible health care reform, and I agree that we all have the right to exercise the freedom of individual liberties but not at the expense of our children and the future of our families. The majority of the American people, including those in my home State of Louisiana, stand firmly on the side of life, and they will not support any measure that seeks to fund abortion with their hard-earned income.

Again, as we arrive at the 37th anniversary of *Roe v. Wade*, I ask America to reflect deeply on the value of all life, born and unborn, and that we not consider any piece of health care legislation unless it includes sufficient language to prohibit this inhumane act.

Mr. PITTS. I thank the gentleman from Louisiana for that very informative and important statement. He is a great leader here in Congress. At this time I want to turn to another leader in Congress. I yield to the gentleman from Ohio, Mr. JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding. I also thank the gentleman for his years of standing up and defending life and for his work in the Pro-Life Caucus, along with Congressman SMITH and our newest Member, Mr. CAO, who just spoke, and JEANNIE SCHMIDT and also PARKER GRIFFITH, who is here on the floor with us as well. There are a countless number of Members who over the years have said, Life is sacred, life is precious and should be protected.

You know, although this is the week when we mark that terrible decision of 1973, I love this week. Thousands and thousands of Americans are going to come to the Nation's Capital, and they're going to celebrate life. They know that life is precious. And that in this great country, the greatest nation in history, we should celebrate life. We should understand that life is precious, life is sacred and that it should be protected.

I am reminded—I have been in Congress now 3 years. Three years ago this month is the anniversary of the first State of the Union that I had the privilege of being at. Then President Bush

recognized a great American who happened to be sitting right up in the gallery. In the middle of his speech, he pointed to this guy, Wesley Autrey, the subway guy. Not Jared, the one we see on TV, but the subway guy, the guy who risked his life, jumped in front of a subway train to save a fellow human being who was having a seizure on the track. He put his life on the line simply because a fellow human being's life was at risk. That is how precious life is. That captures the sentiment that the vast majority of Americans have in this country. They understand how precious life is and that it should be protected through all stages.

As is so often the case, the American people get it long before the politicians get it. Wesley Autrey was a great example of that understanding. The vast majority of people who will be here this week, the vast majority of people who make up this great country understand what our Founders understood, understand what Wesley Autrey understood. And that is, just like they said in the document that started it all, that started this grand experiment in liberty and freedom we call the United States of America, where the Founders and the Framers wrote these words, which I say next to Scripture are the greatest words ever put on paper: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

What great principles are contained in the statement that started it all. First, they understood a basic fact—there is a Creator. We are made in God's image. We got our rights not from government; we get them from God. And government's fundamental job should be to protect those rights that the Creator gave his creation. An amazing, amazing principle. No other country ever started on that premise. And then the second thing that just jumps right out at you from that statement is the order in which the Founders placed the rights they chose to mention. Life, Liberty, pursuit of Happiness. Can you pursue happiness? Can you go after your goals, your dreams? Can you go after those things that have meaning and significance if you first don't have liberty, if you first don't have freedom? And do you ever experience true liberty, true freedom if government doesn't protect your most fundamental liberty, your most fundamental right, your right to life.

That's what thousands of Americans are coming to town for this week. That is what they want to celebrate. They understand exactly what the Founders understood. They understand what this country is really all about. And someday, as previous speakers have pointed out, someday *Roe v. Wade* will no longer be the law in this country, and we will protect every single human being because that is what the Founders intended, and that is what Americans understand.

With that, I will yield back to my friends and colleagues who have done so much—Representative PITTS, Congressman SMITH and others who have done so much to protect life. I appreciate them taking the time to have this Special Order hour on the preciousness of human life.

Mr. PITTS. I thank the gentleman. I yield to the gentleman from Alabama, PARKER GRIFFITH, another pro-life supporter.

Mr. GRIFFITH. Thank you very much for this opportunity. This is a very, very important day for us, and certainly it will be an even more important day for us tomorrow.

As a lawmaker and a physician for over 40 years, I recognize the importance of continuing to protect the sanctity of life. The 37th anniversary of *Roe v. Wade* tomorrow reminds us all that life is precious and should not be taken for granted. Fortunately, we can be thankful that a majority of the Congress can see that taxpayer-funded abortions is morally abhorrent to most Americans.

So with the current health care legislation before us, I commend my colleagues for supporting the Stupak amendment, which passed the House with an overwhelming majority of 240–196, with one voting present. I fully support protecting the unborn in any and all future bills. The Stupak amendment is clearly a high-water mark for opposition to government funding of abortion and a critical firewall to keep abortion from being mainstreamed as a routine medical procedure.

As the 111th Congress presses forward on the eve of the 37th anniversary of *Roe v. Wade*, I would like to remind Members on both sides of the aisle of the importance of continuing to protect the sanctity of life in all policy.

Mr. PITTS. I thank the gentleman for that statement and his leadership on this issue.

Mr. Chairman, I would like to yield the balance of my time to the gentleman from New Jersey, CHRIS SMITH, our Pro-Life Caucus Chair, a wonderful eloquent voice for life.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for the remainder of the hour.

Mr. SMITH of New Jersey. I want to thank my good friend and colleague Mr. PITTS for his leadership, and for that of all of those who have spoken. Doc, thank you for your eloquent words. Mr. FORTENBERRY, Mr. CAO and JEAN SCHMIDT.

I do want to welcome His Beatitude, Metropolitan Jonah of the Orthodox Church of America, here, and his brother bishops. They are most welcome, and I thank them for their incredible stance in favor of the sanctity and sacredness of all human life, from womb to tomb, and that we all need to act as our brothers' and sisters' keepers.

Matthew 25, where our Lord said, Whatsoever you do to the least of my

brethren, you do likewise to me. His Beatitude Jonah lives that, as does his church and as do, God willing, all of us. But they do it in such a superlative way, and I thank them for their example. It is awe inspiring.

Mr. Speaker, I have been in the pro-life movement for 38 years, in the greatest human rights struggle on Earth, the right-to-life movement. What I still don't get is this: How can so many seemingly smart, sane, compassionate, and accomplished people, especially in politics, support, promote and—if President Obama has his way in the pending health care legislation—lavishly fund with public dollars the violent death of unborn children and the wounding of their moms by abortion?

Is it really so hard to understand that abortion is violence against children, a pernicious form of child abuse, falsely and aggressively marketed as choice, a human right or as health care? How long will we permit the pro-choice cover-up and the bogus safety claims to misinform, especially in light of the reams of evidence documenting serious injury to women who abort?

□ 1445

Abortion, safe? What unmitigated nonsense.

Women have been profoundly ill-served by the all-too-familiar pattern of denial and deception so skillfully employed by the abortion industry. Women deserve better. They, at the very least, deserve the truth.

Mr. Speaker, years ago a friend of mine, Dr. Jean Garton, wrote a book which included how her young child unexpectedly walked in the room as she was preparing a lecture on abortion. Her 3-year-old child took one look at the badly bruised and battered body of the aborted baby on the screen and shouted: Mommy, who broke the baby?

That young child saw the brutality of abortion with unclouded comprehension. That child was unencumbered and unaffected by the deceptively clever and preposterously misleading propaganda dished out by the multi-billion-dollar pro-choice industry. That child saw, and knew immediately, that babies are smashed and broken to bits by abortion. And with alarm, that 3-year-old boy wanted to know who did it.

Last fall, like that young child, Abby Johnson, a Planned Parenthood abortion clinic director in Texas, with 8 years at that facility, watched an ultrasound image of an abortion in progress on a 3-month-old unborn child. Like the victimized baby on the ultrasound monitor being dismembered right before her eyes, Ms. Johnson was crushed by what she saw. Self-described as "extremely pro-choice," but now pro-life, she said she watched an unborn child crumple before her very eyes as the infant was dismembered and vacuumed to death by a hideous suction device 20–30 times more powerful than a household vacuum cleaner. She said: I could see the baby try to

move away. In a startling moment of truth and clarity, she said, I just thought, What am I doing? Never again. And she walked out the door of that abortion mill.

I will never forget, my wife, Marie, and I, right outside the Supreme Court, met a group of women called the Silent No More Awareness Campaign. These women were telling their stories, very, very powerful stories about how they had been hurt emotionally and physically by abortion.

One woman told the story how as she was actually on the gurney, in the process of getting an abortion, and the doctor, the abortionist said: It is trying to get away. Being only partially sedated, she heard all of that. She shot up quick and she said: Get me out of here. And they said: It is too late; the abortion has already started. But the child instinctively was trying to get away.

We also know from people like Dr. Alveda King, one of the founders and leaders of a group called the Silent No More Awareness Campaign, a courageous woman, who has had two abortions. Dr. King is the niece of Dr. Martin Luther King and she now says, How can my uncle's dream survive if we murder the children? Dr. Martin Luther King talked about inclusion, the politics of inclusion, not disenfranchising someone by reason of their age or condition of dependency or race or by reason of their sex. She now heads up a group that reaches out to women who have had abortions and have suffered and offers the path through faith, through God, and through friendship to come to a sense of reconciliation and restoration as a result of the trauma of abortion.

As Abby Johnson, the abortion clinic director at Planned Parenthood, said as she walked out, "never again," but never again comes too late for the approximately 52 million babies who have been slaughtered in Planned Parenthood clinics and abortion mills throughout America since the infamous holding of the United States Supreme Court in 1973; 52 million babies lost. It is staggering, stunning, and beyond tragic.

But it doesn't have to come too late for the millions of other children who face extermination today, tomorrow, next week, next month, next year, if we awake from our slumber, from our indifference, from our callous attitude and start to truly combat the cruelty and injustice of abortion.

The longer I am in the pro-life movement, just like the example of Dr. Alveda King, who is like so many other silent-no-more women, speaking out and doing so courageously, there is even more to the pro-choice cover-up than just dead kids.

Abortion hurts women, physically, psychologically, and the data strongly suggests that it even mal-affects children subsequently born to women who abort. Last year the Times of London reported: "Senior obstetricians and

psychiatrists say new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems." They found that women who have had abortions have twice the level, twice the level, of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant.

In 2006, a comprehensive New Zealand study found that 78.6 percent, almost 79 percent, of the 15- to 18-year-olds who had abortions displayed symptoms of major depression compared to 31 percent of their peers. And it also found that 27 percent of the 21- to 25-year-old women who had abortions had suicidal ideations compared to 8 percent of those who did not have an abortion.

I say to my colleagues: there are at least 102 studies that comport with those findings of psychological harm to women who abort.

Serious questions also remain concerning the link of abortion to breast cancer. Despite the fact that more than 28 studies from around the world, including the United States, have shown that procuring an abortion significantly increases the risk of breast cancer by some 30 to 40 percent, the abortion industry cover-up has largely succeeded in the unconscionable suppression of those facts.

Nevertheless, according to the Breast Cancer Prevention Institute, 2009 was a pivotal year in the debate about the abortion-breast cancer link. Three studies were published from Turkey, China and the United States which matter of factly demonstrate the abortion-breast cancer link as one of many breast cancer factors.

For example, the recent U.S. study by Jessica Dolle of the Fred Hutchinson Cancer Research Center demonstrated that an abortion raises breast cancer risk by 40 percent. Why isn't that emblazoned across the front page of the New York Times or the Washington Post? Forty percent. Study co-authors included Janet Daling and Louise Brinton. Amazingly, Brinton was a chief organizer of a 2003 National Cancer Institute (NCI) workshop denying the link. Now a study that she co-authored reiterates the link and reports it as consistent with earlier studies that found induced abortion to be a risk factor for breast cancer.

And now even Time magazine, among many others, has finally reported on another suppressed fact, suppressed by the pro-abortion industry, that abortion adversely affects the health of subsequent children born to women who abort.

A total of 113 studies demonstrated an association between abortion and preterm birth in subsequent pregnancies. Studies have indicated that the risk of preterm birth goes up 36 percent after just one abortion, and a staggering 93 percent after two or more abortions. Similarly, the risk of subsequent children being born with low

birth weight increases by 36 percent after one and 72 percent after two or more abortions. Prematurity and low birth weight, as we all know, are leading causes of disabilities in children. Abortion not only affects the child who is aborted; it affects in a very negative way children born, brothers and sisters born to that same mother in subsequent pregnancies.

All of this begs a very serious question, Mr. Speaker: Why then is the Obama administration expanding this vicious assault on women and children often by massively subsidizing pro-abortion nongovernmental organizations around the world and in the United States to do the dirty work, to do that in the U.S., Africa, Latin America, everywhere?

You know, I said at the opening, How could so many seemingly sane, smart, compassionate politicians buy into the big lie? Well, maybe some politicians aren't so smart or compassionate after all.

Mr. Speaker, I yield to a stalwart in the pro-life movement, the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank Mr. SMITH from New Jersey for the recognition and for his passionate understanding and belief of this most fundamental aspect of human rights and the need for justice in our world today around this essential issue, the protection of our most vulnerable. Thank you, sir, for your leadership.

Mr. Speaker, I would like to add that tomorrow thousands of people from across the Nation will gather just steps away from this very Capitol along the National Mall. They will be huddled against the cold, but nonetheless they have come out to speak out against the 37 years of human rights abuses and affronts to our fundamental rights and liberties.

We especially welcome the youth who will come out tomorrow who will take time away from their studies to stand at the feet of our Nation's seat of power and give voice to the voiceless. They faithfully make the trip to D.C. each year to regret the anniversary of the Supreme Court's passage of Roe v. Wade legalizing abortion in this country. Tomorrow these thousands, young and old, will lift their voices in one resounding cry for one fundamental cause of justice, the idea that women deserve better than abortion; the idea that life gives hope and that we are big enough and we should be loving enough as a Nation to care for the lives of every mother and the child nestled within her.

This idea is essential to the well-being of our entire country. A truly good society must stand for the protection of all persons' rights, above all the right to live. To stand for goodness and justice, we must protect all life, particularly that which is most vulnerable. Wherever it takes place, abortion is so often a decision that is brought on by either physical or emotional abandonment. We must not accept a culture

that says if you have been abandoned, your only option is to abandon the life within you as well. We cannot let this hopelessness breed hopelessness, nor despair breed more despair.

However, many of our leaders here in Washington, Mr. Speaker, send a much different, less-affirming message to those most in need of encouragement and assistance. Last year, Secretary of State Clinton appeared before the House Foreign Affairs Committee and confirmed that it is this administration's goal of including abortion as an integral element of reproductive health care provided by the United States. President Obama has rescinded the Mexico City Policy, making millions of dollars available to foreign entities that promote and perform abortion.

□ 1500

We now export abortion and project, in turn, our own woundedness in this country upon others. The National Institute of Health has created the largest Federal incentive to date to destroy human embryos for research, distracting scientific attention away from adult stem cell research, research that is achieving real results and does not cause ethical divides.

Secretary of Health and Human Services Sebelius may soon rescind a regulation protecting from discrimination our health care providers who choose not to participate in the act of abortion. All four of these, and other actions taken by the administration, are a direct and pernicious assault on the sanctity of human life.

And today, when twice as many black children in this country are eliminated through abortion than are born, we also hear repugnant assaults on the dignity of minority populations from our leaders. Supreme Court Justice Ruth Bader Ginsburg last year commented in the New York Times, and this is a direct quote, "Frankly, I had thought at the time Roe was decided there was concern about population growth, and particularly growth in populations that we don't want to have too many of. So that Roe was going to be then set up for Medicaid funding for abortion," close quote.

Mr. Speaker, let's reflect on that for a moment. Quote, "populations that we don't want too many of," from a Supreme Court Justice. These statements deserve the strongest public rebuke. Abortion is not health care, no matter how much some leaders in Congress would like it to be. Abortion hurts women. Abortion is decimating urban America. And this cannot stand. But together, we can stand for life. We can win this fight for good.

And Mr. Speaker, those who share this deep concern for the sanctity of life, I would say they are the new abolitionists. They are the inheritors of the great American tradition of seeking justice and uplifting the most vulnerable.

On the eve of the 37th anniversary of Roe v. Wade, countless Americans have

awoken to this reality. And the civic engagement of thousands who will gather here tomorrow, and the millions more who remain at home, will hopefully hasten the day when the Nation fully recognizes the unborn as persons worthy of protection under the 14th amendment to the United States Constitution.

Mr. SMITH of New Jersey. If I could with my friend and colleague, and I thank him for his eloquent statement, you mentioned the statements made by Justice Ginsburg. Not only did you not take them out of context, because they were very troubling to me and I think many people—who are “those people?”—but it also follows a line of thought that predates her.

Margaret Sanger, as you know, the founder of Planned Parenthood, was a eugenicist. In the twenties and the thirties she wrote extensively against minority populations, against Africans, against Catholics, against people who didn't look just like her. And I have read her books. One of her books is known as *The Pivot of Civilization*. And in that book, chapter five is called *The Cruelty of Charity*. The Cruelty of Charity. And she makes a case that is pathetic and sickening that somehow we ought to not provide maternal health care to indigent women, to poor women who happen to be of color or of some other minority status that she deems to be unacceptable. The Cruelty of Charity.

That organization, Planned Parenthood, kills 305,000 unborn babies in their clinics every year. And I would hope my colleagues, and I really believe it is time to take a second look at Planned Parenthood, Child Abuse, Incorporated. They like to say that the abortion part is only 3 percent of what they do. Of course killing a baby versus handing out a condom hardly are equivalent in terms of actions. And they count just about everything else to get that number low. Three hundred five thousand abortions.

Some people have gone undercover and discovered, to their shock and—maybe not shock, but certainly to their dismay—that there is a racist attitude in those clinics where these undercover individuals have gone. And it is very disturbing. But it is all reminiscent of its founder, who had such a jaundiced and prejudicial view towards minorities. And that was Margaret Sanger.

I would also add that our distinguished Secretary of State got the Margaret Sanger Award last year. I did a floor speech on this and said how can it be that the Secretary of State of the United States of America is in awe of a eugenicist? Because in her speech, and I read it on the State Department Web site, she went on and on about how the work of Margaret Sanger remains undone. Margaret Sanger was a self-proclaimed eugenicist, who felt that certain individuals, and that would include the disabled, their lives are not worth living or protecting. They are

throwaway human beings. And I have asked the Secretary of State to give that award back.

I yield to my friend from Ohio.

Mrs. SCHMIDT. I just want to say a couple of things about the Planned Parenthood organization in my district. As of record, there have been two cases of underage children that have received abortions without parental—well, in one case it was a father who raped his daughter under age. That has been prosecuted in Warren County. And in another case it was a teacher that brought a 15-year-old girl—13-, or 14-, or 15-year-old underage girl into Planned Parenthood. That case is now under review in court.

But right now I really want to have my good friend from Missouri, TODD AKIN, address you, Mr. Speaker.

Mr. AKIN. Thank you, lady, and thank you for your leadership here on the floor. Thank you, Congressman SMITH, for your great leadership.

I came here really in a way to say thank you. Also to deliberate a little bit on the unique history of great leaders. Every great leader in history has had this in common: that at some point, by faith, hope, and love, they have hung tenaciously to some great enterprise in spite of the apparent hopelessness of that cause. The pilgrims on the beach. Washington at Valley Forge. And yet these great leaders found that God providentially provided relief and help in their time of need, sometimes from very unique quarters.

I think of the great threat to lives in America that the socialized medicine bill that we were looking at a day or two ago posed to the cause of life, and of the unique quarter through which God provided relief, the State of Massachusetts. Not something that you would expect politically.

And so today I would like to say thank you to the great leaders in America who have had the perseverance to stay with the pro-life cause year in and year out, when times look good and when they looked bad. And so to you I say thank you and God bless you.

Mr. SMITH of New Jersey. Thank you very much.

And these really are growing numbers of people. The polls certainly reflect it. By over a two-thirds margin the American public have said, in virtually every poll, they don't want abortion in health care, in ObamaCare. They absolutely do not want it in there. It is one of the reasons why ObamaCare is on such thin ice, if you will.

I would want to say to my colleagues something else. There is a reappraisal going on in America. I remember when I got elected in 1980, I would go out to the high schools and schools throughout my district, and whenever the issue of abortion came up, it was very hot and it was very often very antagonistic to my pro-life position. I began to see changes in that in the nineties and after the year 2000. There has been a

dramatic shift among our young people in favor of life.

Every one of the young people that you and I, JEAN, and others might see in our schools, one out of every three of those children had been killed by abortions. One out of every three. Next time you are in a classroom count desks, one, two, missing child killed by abortion. And for every child that is killed by abortion there is a wounded mother in great need of reconciliation and embrace and love.

And that is the part of the pro-life movement that I have always found so absolutely appealing. It is a nonjudgmental movement. It loves even the abortionists who are killing the children so maliciously each and every day. We have embraced so many former abortionists, former clinic workers, like Abby Johnson, who left Planned Parenthood last year, walking out the door when she finally saw an abortion on a screen. She watched it and said, “Never again. I can't be a part of this any more.”

Probably the biggest change of heart in the entire pro-life, of the last 40 years, was a man by the name of Dr. Bernard Nathanson. Dr. Nathanson founded NARAL. He, Betty Friedan, and Lawrence Lader founded NARAL, one of the biggest pro-abortion groups. We all hear them in our mail and as they lobby Capitol Hill. He founded it. He was a primary abortionist in New York City, ran the largest abortion clinic in all of New York City. In the 1970s, he wrote in the *New England Journal of Medicine*, “I have come to the agonizing conclusion that I have presided over 60,000 deaths.” He quit and then he became a pro-life leader. I have met him many times. He is smart, he is articulate, but he was so terribly misguided, somehow believing he was doing right when he was doing so egregiously wrong.

You know what helped bring him to the pro-life side? He began doing microsurgeries. He began working at St. Luke's Hospital in New York. In one room they would be doing everything humanly possible, taking heroic methods and actions to mitigate disease and disability in unborn children, including blood transfusions. And in the other room they were putting in high concentrated salt solutions and other chemicals, poisons, or dismembering the child piece by piece. And he said it is schizophrenic. That child is either a patient, a human being, or he or she is not. And he came down to the side of life.

Add to that the enormous deleterious damage being done to women, which I said earlier in my comments has been documented over and over. Mental health consequences, consequences to subsequent children that are profound and lifelong. The problem of breast cancer. And believe me, the abortion lobby will continue to say it is not true. They will pull out some two or three studies that suggest that it is not true against the huge evidence that

suggests otherwise. And if you want to believe that, then believe what the Tobacco Institute used to say in the sixties and seventies, that there was no linkage of tobacco to lung cancer. They got away with that for decades. The abortion lobby and the industry that makes billions of dollars is getting away with that right now. And we wonder why the sad fact that some of those women who are now marching, some of the survivors, thank God of breast cancer, thank God, but some of those have been precipitated and caused by that abortion. And again, that is 28 studies and counting that have clearly posited that as a very significant negative outcome.

But Dr. Nathanson, he should be the model for politicians. If he can get it, if he who was right there, the one who said, who came up with the idea that women were dying from illegal abortions in America at the rate of 5,000 to 10,000 per year. And you know what he told us in his book when he wrote it? He said, "I made it up." Dr. Nathanson made up that figure, and was shocked and surprised how easily and how gullible the media was and politicians to just take that bogus number and regurgitate it over and over again as if it had a foundation in fact.

The real number, according to the Center for Disease Control, in 1972, prior to the legalization of abortion on demand, was under 40 women. Forty too many. But women are dying today from legal abortions. And let's not forget that. Maternal mortality, we want to cut that and help women with difficult and crisis pregnancies here and around the world. But you do it with essential obstetrical services, you do it with good birthing practices, especially in the developing world, where maternal mortality is a problem. You don't do it by killing babies and wounding their mothers.

I would like to yield to my friend, Mrs. SCHMIDT, for any final comments.

□ 1515

Mrs. SCHMIDT. Thank you to my good friend from New Jersey.

One of my family member's favorite movies is "It's a Wonderful Life." It is a story about George Bailey, who thinks he's losing the family bank, played by Jimmy Stewart, and Clarence Oddbody, played by Henry Travers, the angel who points out to him how important his life is. And in the end, he realizes it, and, yes, Clarence gets his wings.

I think about that because I think of the family member and the fact that if his mother had had the opportunity in 1964 to have had an abortion, she may have made the fatal decision not to have had that person. That person is a wonderful human being. He is a father. He is a husband. He has two children. He has a wonderful life.

I yield back.

Mr. BOEHNER. Mr. Speaker, tomorrow—January 22, 2010—marks the 37th anniversary of the Roe v. Wade Supreme Court deci-

sion, a decision overturning the laws of the various States and setting the stage for the termination of tens of millions of unborn children.

Mr. Speaker, I came to Washington to defend all human life. And in my nearly 20 years serving the House, the Congress and Executive branches have made tremendous progress in protecting the life of the unborn.

We have made certain that federal funds could not be used to pay for elective abortions both domestically and abroad. We passed the Partial Birth Abortion Ban. We gave our schools the choice to offer abstinence education and we limited federal funding for embryo destructive stem cell research.

But within the first 100 days of his administration, President Obama overturned the Mexico City Policy permitting federal funds to international family planning organizations that also perform elective abortions. President Obama also insisted that federal taxpayer funds be directed to UNFPA—the family planning agency at the U.N. that has supported China's one child policy. The President also overhauled the country's embryonic stem cell policy, creating more incentives to destroy human embryos in the name of research.

The current Congress has also taken steps to unravel long-standing pro-life policies. Last December, Democrats eliminated long-standing policy—first established in 1989—that has prohibited the District of Columbia from using its Medicaid funds to provide elective abortions. According to the Guttmacher Institute, the abortion rate of women who are enrolled in Medicaid more than doubles if they live in a state where Medicaid is able to pay for elective abortions.

Over the last year, Democrats have attempted to overhaul the current health care system. Their proposals have included policies that would permit public funding of abortion—through federal subsidies and plans that would be managed by the federal government. More than 65 percent of the American people oppose public funding of abortion.

Mr. Speaker, we need to pause and reconsider the direction the majority and President Obama are headed with regard to protecting human life. All human life has value and it is the role of the branches of the federal government to protect it. I call on my colleagues to put an end to passing destructive legislation and instead fight to defend life.

Mr. QUIGLEY. Mr. Speaker, thirty-seven years ago this week, the Supreme Court issued its opinion in Roe v. Wade, making abortion legal in the United States.

The Court's decision recognized a fundamental, constitutional right to privacy that protects a woman's personal decisions from governmental interference.

This landmark decision greatly advanced women's rights, but we must never take those rights for granted.

Because as I speak, there are groups bent on taking away those rights.

Opponents of women's rights are attempting to hijack the healthcare reform bill, and use it as a vehicle to curtail access to reproductive healthcare.

We cannot and will not allow women's reproductive rights to be sacrificed for healthcare reform.

Thirty-seven years ago we took a historic step forward for women's reproductive rights.

Now we are on the brink of another historic step.

But we must ensure that a move forward for healthcare does not result in a step backward for choice—a step backward for Roe v. Wade.

Mr. ROE of Tennessee. Mr. Speaker, as an obstetrician and gynecologist, I've delivered close to 5,000 babies and I strongly support the sanctity of life. Using technology like the 3-D ultrasound has given us windows to the womb that show unborn children as living, breathing, feeling human beings. I have looked through that window with my own eyes. I have seen human development occur from the earliest stages of human development all the way through birth, which strengthens my conviction in the right to life.

Life is a precious miracle from God that begins at conception. It's our responsibility and privilege as legislators to protect those who do not have a voice. I will always fight for the right to life because it is my conviction that we are all unique creations of a God who knows us and loves us before we are even conceived.

Tomorrow, we will mark one of the most tragic, misguided Supreme Court cases in our nation's history, Roe versus Wade. Since 1973, more than 50 million babies have been denied the right to life. We must make our laws consistent with our science and restore full legal protections to all who are waiting to be born. If government has any legitimate function at all, it is to protect the most innocent among us.

Congress has prevented taxpayer funded abortions for over 30 years, and the healthcare reform bill has reopened the door to change this effort. As we debate the proposed healthcare legislation, we must fight to prevent it from becoming the largest expansion since the pivotal Roe versus Wade decision, and work to ensure that the door to taxpayer funded abortions remains closed.

I am glad to be fighting for the rights of the unborn.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMENDING CBS 60 MINUTES SPECIAL FEATURE, "AMERICAN SAMOA—FOOTBALL ISLAND"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to share with you and our colleagues and to commend the CBS "60 Minutes" program that was aired last week on Sunday, January 17 of this year.

As it was narrated by CBS reporter Scott Pelley, the television program was called, "American Samoa—Football Island." It highlighted the fact

that from an island of less than 70,000 people, there are more than 30 players of Samoan ancestry currently playing professional football in the National Football League and estimated more than 200 playing currently in Division I college football.

Indeed, it is estimated that a boy born to Samoan parents is 56 times more likely to get into the NFL than any other kid in the United States, period. This is an exceptional bit of information considering that the six little high schools that we have there in the program do not have locker rooms, no weight rooms for training, no proper equipment or other needed facilities and resources. This is also considering that most of these athletes do not start playing organized football until they're in high school.

For the first time this year, we have organized a Pop Warner football program. What is interesting about this, Mr. Speaker, is that a good number of these young Pop Warner players would be disqualified if they were playing in the U.S. for the simple reason that they were too big. I know this is true in the State of Hawaii where, in the Pop Warner program, many of these young Samoan football players had to organize their own "Big Boys" football program because they would be disqualified to play Pop Warner. I know this is true in the little town of Hauula in Laie in the State of Hawaii.

Now, I don't want to give the impression to my colleagues that Samoans are a lot of muscle and brawn but no brains; no, this is not true. I know from my own given experience when I played high school football in my alma mater, Kahuku High School in Hawaii, it was like a tradition that all Samoans would play the line, the quarterback would be the Japanese, the Filipinos would be the halfbacks, but the fullback would be a Samoan. Now all that has changed, we also play quarterback these days.

In American Samoa, there were no youth or development programs until this year when they started the American Youth Football Samoa program, but still coaches and recruiters crowd our little territory for raw talent. Mr. Speaker, it was important for the whole world to see some of the challenges that the kids of American Samoa have to go through to make it to the collegiate level so that they can afford an education and for most to play in the highest level of professional football.

The fact that a Samoan boy is 56 times more likely to get into the NFL is most interesting and can be attributed not only to the size of the people but to the values of the Samoan culture. From respect to discipline and making sure that there is respect in the process, one can appreciate that the young men and women of Samoan descent hold true these values of humility. I know that these athletes with these values would be welcomed by any coach in any sport.

I want to take this opportunity to recognize the Polynesian players who were fortunate enough to make it into this year's NFL Conference Championships and will be playing in New Orleans this weekend. They are Aaron Francisco of the Indianapolis Colts; Fili Moala, the Indianapolis Colts; Ropati Pitoitua, the New York Jets; Sione Pouha of the New York Jets; Naufahu Tahi of the Minnesota Vikings. I want to personally congratulate them and their families for their success.

Also, I want to offer special recognition for our first Samoan Polynesian of Tongan ancestry, Mr. Haloti Ngata of the Baltimore Ravens, who is not only headed to his first Pro Bowl in Florida after the Super Bowl, but today is also his 26th birthday. Haloti Ngata is in his fourth year in the NFL, was drafted by the Ravens in the first round of the 2006 NFL draft, and is a graduate of the University of Oregon. At 6 feet, 5 inches and almost 350 pounds, Haloti finished the year with more than 30 tackles, two sacks, and a forced fumble.

The success of this new generation of football players, Mr. Speaker, is a result of the pathway paved by pioneers like Samoan football player Al Lolotai, who played for the Washington Redskins in 1945, Charlie Ane of the Detroit Lions, Jack "The Throwin' Samoan" Thompson, Manu and his son Marques Tuasosopo, Dan Saleaumua, Wilson Faumuina, Frank and his son Brandon Manumaleuna, Jesse Sapolu, Junior Seau, Troy Polamalu, Lofa Tatupu, Domata Peko, Rey Maualuga, Jonathan Fanene, Joe Salave'a, Pita Elisara, Esera Tuaolo, Falaniko and his brother Al Noga, Junior Ah You, and many others.

I am often asked why Samoan men have so much success on the football field. Well, there are many factors. I am reminded of the late Coach Vince Lombardi of the Green Bay Packers when he said that "Football is like life. It requires perseverance, self-denial, hard work, sacrifice, dedication, and respect for authority." This is very much part of the heart and soul of the Samoan culture which centers on the importance of families sharing each other's needs and respect for others.

HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, since the earthquake hit Haiti on January 12, we have all watched with sadness as the death toll rose, prayed for those affected, and rejoiced when survivors were found. It is an event that has directly touched the lives of people around the world, including many at home in Kansas.

I have heard some incredibly touching stories about Kansans affected by the earthquake. Many were in Haiti al-

ready serving the people of Haiti and caring for people who are less fortunate than they are.

Thirty-one-year-old Ann Varghese, a graduate of Southeast High School in Wichita and the University of Kansas, was trapped under the rubble of a hotel for 55 hours. In a tiny dark space just 3 feet high and 5 feet long, Ann spent over 2 days with five other people without water and sharing only gum and a lone Tootsie Pop. Though nothing short of a miracle, Ann made it out alive, but sadly for two of her colleagues who were trapped, they did not.

Kim Bentrrott of Belleville, Kansas, and her husband, Patrick, remain in Haiti. They made it out of their third-floor apartment just before the building collapsed. Employed through Global Ministries, they have lost their headquarters, school, offices, and medical clinic, but must stay to complete the process of adopting a son, Solomon. Now 14 months old, Kim and Patrick rescued Solomon from a Haitian orphanage as a newborn, and their dedication to providing a loving family for Solomon is an inspiration.

Six residents of the Dodge City, Kansas, area, including John Maples and Greg Love of Montezuma, Terry and Martha Major and Doug McGraw of Pierceville, and Clayton Stolfus of Meade, all survived the catastrophic earthquake. Unfortunately, this team from Independent Christian Alliance Ministries is still awaiting word when a possible return to the United States can be accomplished.

On a brighter note, Naomi Streck, a Norton native and Wichita State graduate, is part of a 21-member team from Center for Children International Lifeline that escaped unhurt and has returned to Kansas.

Then there is Scott and Wanda Miller of Hesston, who are now safely home with their newly adopted Haitian son, 16-year-old Junior Oranvil Miller.

Many others, such as Jake and Amy Glover of Hays, Kansas, are among the families currently in the process of adopting children and awaiting news from Haiti. Even today, we put pressure on the Department of State to see that this adoption is completed and that their child can be returned to them in the United States.

I am proud to recognize these great individuals and many other Kansans who have devoted their lives to the betterment of Haiti through many years before the crisis and will do so into the future. It gives me hope to see so many Americans and people around the world putting aside cultural, racial, and political differences to band together in our effort to rebuild the damaged nation.

All who have donated money and supplies, served on search and rescue teams and have prayed for those affected deserve our gratitude. Today it was announced that the Kansas National Guard will be sending soldiers to Haiti from their current assignment at Guantanamo Bay. We express our appreciation, and we express our support

and concern for them and their families.

As for those of us in Congress, we are committed to doing everything in our power to ensure a swift and safe conclusion to this crisis. The people of Haiti and those affected by this tragedy are in my thoughts and our family's prayers.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes.

Mr. LATOURETTE. Mr. Speaker, I am going to be joined during the course of this hour by Representative THAD MCCOTTER of Michigan and perhaps others who may chime in during the course of the hour.

Mr. Speaker, the big news on Capitol Hill this week and the big news around the country was the Senate race in Massachusetts where, for the first time since the 1970s, a Republican, Senator-elect BROWN, has been elected in the State of Massachusetts. You know, there are a lot of maps around this place, blue States, red States, and Massachusetts is one of those States that they really should come up with their own color of blue. I mean, it is the deepest of blue States.

And so it was certainly a surprising event, and a lot of pundits and a lot of people are scratching their head and saying, Well, what caused this? Is it voter anger? Are they mad at Republicans? Are they mad at Democrats? Are they mad at everybody? Or how about this health care discussion? And some of the exit polling that went on up in Massachusetts indicated that, yeah, people were concerned. People were concerned about the way that both the House and the Senate health care bill were being fashioned, the process that was being used, and then some of the provisions that were in it as well.

And so I thought during the course of this hour we would spend some time talking about at least what in my opinion are some of the difficulties with the way things are going with the health care discussion, and as well as Mr. MCCOTTER's observations as well.

Before coming to the Congress, I was a prosecuting attorney and I tried cases in front of juries, and I always learned that people pay attention a little bit more and they learn a little bit better, Mr. Speaker, with their eyes than they do with their ears. So I brought with me a visual aid to help us during the course of this discussion.

With apologies to Hasbro, when I was a young person growing up, one of our favorite things to do, if the size D battery was working, was to play the game of Operation. We have modified the Hasbro game a little bit so we can talk about, from head to toe, some of the difficulties with—again, in my opinion and Mr. MCCOTTER's opinion

and apparently a good number of the American people's opinion—what's the matter with this discussion.

□ 1530

I want to start with the head up there in the Operation game. It's called a "brain freeze." I've politely taken out "brain freeze." Instead, we've put in "CMS administrator." CMS is basically the organization that runs the Medicare program in the United States of America. It has a budget of about \$700 billion a year. It's bigger than the Pentagon, and it will be tasked over the next little bit with implementing the rules and procedures of this health care legislation, either bill or some modification of the bill, and putting this thing into place.

So you would think, if you're a supporter of this health care reform that is barreling through the Congress, well, I hope we've got a topnotch guy or gal in charge at CMS.

Sadly, the reason that there is a question mark up there is that there is no administrator at CMS. As a matter of fact, the last time there was a confirmed administrator at the Medicare oversight administration was in 2006, October 2006. Of course, people who watch the calendar know that that wasn't all on President Obama's watch. It was in the last couple of years of President George W. Bush's administration. He nominated a fellow by the name of Kerry Weems, who was acting administrator, but the Democrat-controlled Senate refused to confirm Mr. Weems.

The interesting thing about it as you know—because people get accused of playing politics all the time. So you say, What was Mr. Weems? Was Mr. Weems like Rush Limbaugh? Was he like Glenn Beck? Was he some dyed-in-the-wool partisan? Actually, Mr. Weems—and this was written about him by one of the analysts: The nomination of Mr. Weems will be a departure from tradition. Historically, CMS administrators have either been academics or lobbyists. The academics often lack leadership and executive skills. The lobbyists often come across as too Machiavellian.

Since CMS was formed in 1978—it used to be called HCFA—there have been 30 administrators. Mr. Weems would have been the first administrator, if the Senate had chosen to confirm him in 2006, who actually was a career person who had worked his way up within the CMS structure. He was not a political hack; he wasn't a political appointee, but for reasons known only to them, the Democratic majority in the Senate didn't want to confirm him.

Now fast-forward to a year ago almost exactly, and President Obama is inaugurated. You would think that, if one of the big national priorities that we're going to talk about is health care, one of the first nominations or maybe the second nomination would be to get somebody in charge of this pro-

gram so that when this rather large restructuring of one-sixth of the Nation's economy is passed that we're going to have our best talent on the ground, whether you agree with it or not. We are now 1 year and 1 day into the Obama administration, and we have yet to have a nominee put forward for that position. Certainly, we have not had anyone confirmed for that position.

Mr. MCCOTTER.

Mr. MCCOTTER. Would the gentleman yield for a question?

Mr. LATOURETTE. I'd be happy to.

Mr. MCCOTTER. Obviously, the President has had a very eventful first year since his inauguration.

Would it not be fair to say that the rush of events and the focus on getting things done has precluded this position from being filled?

Mr. LATOURETTE. Well, I think there is some of that, but it's interesting that you should bring that up.

Just yesterday—and this isn't unique to the Obama administration. Every administration has a lot of jobs to fill. Just yesterday, the President of the United States sent up 40 nominations to the Senate to consider for confirmation under the Constitution so that they could begin to serve. There were some judges; there were some U.S. attorneys; there were some United States marshals. Interestingly enough, I found that he even had time to name two people to fill vacancies on the Marine Mammal Commission, but not one of those 40 is the new director of CMS.

Quite frankly—and we're not going to talk about national security today—you know, his nominee for the TSA, who are the folks who frisk you at the airport, just withdrew. We don't have any nominee in the pipeline for that either.

Mr. MCCOTTER. Will the gentleman yield again?

Mr. LATOURETTE. I'd be happy to.

Mr. MCCOTTER. I just want to be clear that, despite the fact that there has been no name forwarded—let alone confirmed—for the position at CMS, we do have two appointees of the Marine Mammal Commission.

Mr. LATOURETTE. We do.

Mr. MCCOTTER. In fairness, as a Detroit, it sounds like a Matt Millen draft.

I yield back.

Mr. LATOURETTE. I thank the gentleman very much.

So, if you begin at the head, clearly we have a problem in that we don't have anybody in charge should this health care legislation pass and become law.

We next go down to the Adam's Apple. I left the Adam's apple on the chart because the way this thing has gone—and it really epitomizes the entire last year. We were told we had to have an \$800 billion stimulus bill by President's Day. Nobody knows why. It's not because we're going to spend it on Presidential stuff, but we needed to have the stimulus bill, so we got it

done. Now, people were embarrassed. It was 1,200-pages long. It was finally written in its final form at midnight on Thursday, and then we voted on it on Friday. I didn't read the 1,200 pages between midnight and about 11 o'clock in the morning when we voted on it, and I don't think a lot of people did. But when you legislate like that—people woke up, and they found out that that legislation specifically authorized Wall Street bonuses to a company called AIG that the President is now complaining about. He says this executive compensation has to stop.

Well, because we had to get the stimulus bill done by President's Day, nobody really read that, and as a result, anybody who voted for that—and the President signed it—authorized these tremendously large bonuses that they're now complaining about.

You then fast-forward, and we were told that we needed to have cap-and-trade legislation, the national carbon tax, in place by the Fourth of July weekend. Again, I don't know why. The Senate has still not acted on that legislation, and that legislation wasn't completed by midnight. Again, we voted on it on a Friday. The last 300 pages of that were not submitted to the Rules Committee, which meets upstairs in this building, until 3 o'clock in the morning on Friday, and we still then voted on it later in the day on Friday.

Just like the AIG bonuses, the Wall Street bonuses that the majority party sanctioned and voted for in those 300 pages, when you legislate like that, funny things happen. In that particular bill, people found out that things were regulated that they didn't know. If you have a water cooler in your home or in your office, it's regulated in these 300 pages. If you have a hot tub or a spa, it's regulated in this cap-and-trade legislation. Probably the most shocking to my constituents was the Christmas lights. If you have Christmas lights, they are regulated under this cap-and-trade legislation, which, thankfully, isn't going anywhere.

You know, I always tell my folks in Ohio not to worry. Christmas lights are only regulated if your display is 48 inches or above. So, if you are a fan of a short Christmas tree, you're okay. The government is not going to regulate your Christmas lights. If you get that wreath for the door, make sure you get the small one. Don't get the big one.

Well, again, there are people in this Chamber who think we should regulate hot tubs, spas, water coolers, and Christmas lights—I don't happen to be one of them—but again, the American public certainly and at least their representatives here in the Congress should have a chance to read what it is we're passing.

That then brings us to this health care legislation.

I yield to the gentleman.

Mr. McCOTTER. Yes.

To the Chair, the gentleman from Ohio referenced a stimulus bill, which,

as we all know, did, in fact, protect AIG bonuses, and was signed into law.

What is also in the stimulus bill is a provision to set up the comparative effectiveness research advisory board—the positions of which have been filled, by the way.

Now, the point of the comparative effectiveness ideology is to have government determine through this board what is most cost-effective in terms of your health care treatment by a concept known as “life years.” Is the cost worth it to add X number of years to your life or to improve the quality? Many of us consider that inherently inhumane and not the proper function of a limited government. Yet that was approved in the stimulus bill.

So, like the health care bill which has followed it and that the public is having, as you say, shoved down its throat, I think that, as America continues to find out about the comparative effectiveness research council, they are going to find that equally hard to swallow.

I yield back.

Mr. LATOURETTE. I thank the gentleman for his throaty humor.

I would just say, you know, the setting up of that panel led to some of this discussion. People are talking about death panels and so forth and so on. I was never a big subscriber to that rhetoric, but it was strange that, shortly after that, the Department of Health and Human Services appointed a blue ribbon panel, which is what we do around here when we can't figure out what to do, and they came out with a recommendation that women under 45 didn't need to have mammograms as often as had been recommended in the past. Now, some would argue that one way that you could control health care costs is by rationing care or by not providing mammograms, for instance, even though mammograms have proven to really enhance the early detection of cancer and save lives in this country.

So it's that kind of stuff that gives fuel to these theories that there are death panels and all this other business; but if they wouldn't do this stuff, you wouldn't have some of these theories getting legs, if you will.

We went down to the wishbone because, you know, the President is going to come to this Chamber next week and give his first State of the Union Address, but it actually will be his third speech to a joint session of Congress. The last one was on the matter of health care. I remember that I actually applauded the President because he indicated that—and you know, again, there's a lot of misinformation out there about this health care proposal—if you have health care and if you like your health care, you get to keep it.

Well, the wishbone is we have about 8 million people in this country who wish they could keep their health care under either the House or the Senate proposal. Sadly, one group that cannot is the group of people on Medicare Advantage. I don't know how many folks

in the gentleman's district are on Medicare Advantage. I have about 14,000 people. The satisfaction rating is high, but there will be no more Medicare Advantage. So, you know, it's hard to figure out how that statement “if you like it, you get to keep it” fits with the fact that, well, you get to keep it, but there isn't going to be any more of it.

On top of that, health savings accounts will also be eliminated. We've got a lot of people in this country who, in order to sort of take care of their own and to be good consumers of health care, set up health savings accounts as a result of legislation we passed here in 2005, Medicare part D. No more health savings accounts. No more flexible spending accounts.

So the rhetoric—I mean, I think, as a principle, if you like what you've got, you should be able to keep it. Don't mess with me. Let's fix what needs to be fixed, but that's not true, sadly, and that's where the wishbone comes in.

I next want to get to the funny bone because this is one of my favorites. Again, during that speech and during other presentations that the President has made during the course of this discussion, he has—and I think correctly—indicated that the drafting of this legislation should not be done behind closed doors. It should not be done in private. It should not be done by a small group of people. It should be done, you know, certainly with the participation of the 435 Members of Congress and with the 100 Senators and others. I think he even suggested and others suggested that it should be on C-SPAN. So this is funny:

It's not on C-SPAN. Funny. Not only isn't it on C-SPAN, until this thing got derailed by the Massachusetts Senate election, this set of decisions was being made by—I know that our team here in the House was five people. Most of them were from California, strangely enough, and there wasn't a Republican in the bunch. I don't know who the Senate team was, but they met in private, behind closed doors. There were no C-SPAN cameras, and there was certainly no public knowledge of what was going on in those negotiations. So the funny bone is funny. It's not on C-SPAN.

I yield to the gentleman.

Mr. McCOTTER. I thank the gentleman for yielding.

It's certainly not funny, humorous, when we understand that, recently, we've just heard that the election of Senator BROWN from Massachusetts was due to, in many ways, according to the administration, the public's lack of having adequate information about what was in the bill.

We have heard that this administration and this Congress have been too busy acting to do enough talking so that we can do enough understanding as the American people. It would seem to me that, if one wants to make the argument that the American people haven't had sufficient information regarding what's in the bill and why it's

in their best interest, the last place you would wish to hold your meetings regarding that bill would be behind closed doors, out of public sight.

It strikes me that—to use a medical term, actually, a criminal term—do not blame the victim. Do not claim the American people do not understand what's in this bill or that they have not had adequate information when it is you who are, in fact, keeping that information from them, especially because you realize that, when the American people have seen what's in this bill and what you intend to do to have government run their health care and to make some of their most intimate life decisions for them, they've rejected it.

I yield back to the gentleman.

Mr. LATOURETTE. I thank the gentleman.

The gentleman may remember—and I didn't have this experience—that, during the month of August, there were a lot of town hall meetings on YouTube where people were standing up. Basically, they had done some research online, and they had looked at—I think the bill was called H.R. 3200 at that time, or maybe it was 3400. They'd actually read it. I did 18 town hall meetings during that time, and I didn't have any angry mobs or anything like that. What I did have, on more than one occasion, are some senior citizens in the front row with a computer printout. They asked, Well, why is this provision on page 196 in the bill? Why are you doing this?

□ 1545

The greatest concern and what people get, and it is both the House and the Senate bill: when the President was here he said, We agree on 80 percent of this stuff. We do. In America, if you have a preexisting condition, you should have insurance, and you should have the opportunity to be insured. I think if you can't get insurance, we need to find a way to get you covered. I think that you shouldn't have to stay in a bad job just because you are afraid of losing your health care. So the President was right, 80 percent of that.

But if that is the case, why then, to take care of these identifiable problems that people say, yeah, that is not fair, we should fix that—why then do you have to do the other monkeying around? And the other monkeying around truly, as far as the seniors are concerned, both bills take about \$500 billion out of Medicare. Now, why do you have to short the people that are receiving Medicare by \$500 billion to take care of these other problems? And people understand that, and that came through loud and clear during the month of August.

I yield to the gentleman.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I will point out also, just to continue your point, when you take this \$500 billion out, what is going to happen in 2011 is the first wave of our baby

boomers hit at 3 million to 3.5 million people per year. Which means in the next 10 years when you take half a trillion dollars out, you are going to add 30 million to 35 million people. Three things happen when that occurs.

Number one, you decrease access. Seniors get it. Number two, if you can't get in to see your doctor, the quality of your care goes down. And, number three, to get the care you need, you are going to have to pay more money. You are going to have to pay a higher supplemental to get in.

So those three things are absolutely guaranteed. Our seniors understand it very well.

Back to the point that you were making a moment ago and I think is very important for comparative effectiveness research: I practiced medicine for over 30 years, and there is nothing wrong with finding out what the best treatment for something is. We do that and we do research on that.

The problem comes when you make the next move and say: okay, this person is 80 years old. Their life expectancy is three, four years. Am I going to do an expensive knee replacement? People will say that won't happen. It is already happening.

In England right now, they have an acronym called NICE, which is really an ugly word for that. I have a good friend, a physician in my hometown, whose sister-in-law is English. She was recently treated for chronic lymphocytic anemia and her treatment in England was a blood transfusion. People in this country don't die of that disease. Whatever your age is, you are offered treatment and you are treated.

So this is being used already around in England. Many medications are not allowed because it "costs too much." You will get to take the red pill or the blue pill, and it may not be the best pill.

So what you said is absolutely true. If people don't think it will happen in this country, it will. And I could not agree more. I agree with the President. I think the President would have served himself and the country well to sit down with both sides and find the common denominator on the 80 percent of the things that we agree on and then fix them. It is not that hard to do.

An example I will give you: the Senate bill is going to cover 30 million people, I think, at a cost of \$1 trillion. You can do two things, one of which is in this bill which I like. Two things:

One is if your adult-age children graduate from high school or college and don't have insurance, which three of mine didn't when they got their first job, you simply allow them to stay on their parents' health care plan. You can cover 7 million young people by doing that.

Number two, we already have a State Children's Health Insurance Plan and Medicaid. It is already out there, and so that doesn't require another bureaucracy. If you sign the people up who currently are eligible, you will

cover another 10 million to 12 million people.

You get to almost two-thirds of what the Senate bill wants to do in one page, not 2,500 pages of incomprehensible gibberish. So I would suggest that we do that now.

We have a great opportunity to get this right. As I have said as a physician for years, first of all, patients and their families and their doctors ought to be making the health care decisions, not insurance companies, not the government. And after looking at this bill—and I have read, as probably you have, this entire 2,032-page bill. And some of it is almost incomprehensible. It takes two or three other manuals, the HHS manual and the IRS manual and so on, to even read it to fully understand what you are getting.

So we need to go back and do something that is simple and fixable so that the American people can understand and a doctor can understand. My physician friends are asking me, Phil, what does all this stuff mean? That is basically what we are dealing with. If the doctors don't understand it, I doubt if the general public does.

Mr. LATOURETTE. I thank the gentleman for his observations and hope he can stay with us for the rest of the hour.

I was just reminded, Mr. McCOTTER and I are both lawyers; the gentleman is a doctor. Back home, when people say, I practiced law for 30 years, they say, When are you going to stop practicing and really do it? But it is another subject.

All right. I want to move down a little lower on our buddy here, and we have pork ribs. In the original game, it is just ribs. I call them pork ribs because, interestingly enough, in the Senate bill—I am going to talk about the Senate bill for a minute—they have trouble. Go figure, they have trouble even though they had 60 Members, now soon only 59. But 60 Members who were members of the Democratic Party, which is filibuster-proof and everything else, but they were having trouble getting it across the finish line. So there were some pretty highly publicized slabs of pork that were and are in the Senate bill.

The reason it is relevant is that after the Massachusetts Senate race, there was some discussion—and I see today that the Speaker has rejected it—but there was some discussion that, because they have lost their supermajority in the United States Senate, that they just bring the Senate bill over here for an up-or-down vote in the House of Representatives. So it becomes relevant what is in the Senate bill, as well as what is in the House bill.

There was a column in the Washington Post. Now, I have been here for 15 years. The Washington Post is not a real right-wing, right-leaning newspaper. And it was a column written by a guy named Dana Milbank. Aside from reading his column every once in a

while, I see him on that show with Keith Olbermann, "The Countdown." He doesn't strike me as a Rush Limbaugh, Glenn Beck type, either. But he was apparently moved to put pen to paper, and he talked about the slabs of pork in the bill.

And you can begin with the Louisiana Purchase. Apparently, in order to get the Senator from Louisiana, Senator LANDRIEU, on board, she received \$100 million in 2011 in extra Medicaid money for Louisiana.

Now, why is that important? Because, as both gentlemen have correctly pointed out, the centerpiece of this bill—how do you take, whatever the number is. Some people say it is \$47 million, some say it is \$30 million, some people say it is \$15 million. How do you cover more people without it costing money? Everybody gets that. And so clearly, when you say that some of that is going to be taken up by the Medicaid systems within the States, it is going to cost those Medicaid systems more money.

So Senator LANDRIEU said, Well, in order to get my vote, okay, it can cost more money in Tennessee or Michigan or Ohio in Medicare expenses, and you all can pay more taxes, but not the folks down at the Mardi Gras. We are not going to pay that.

Probably the most famous one, Mr. Milbank wrote about it; I call it the Corn Husker Kickback. Senator BEN NELSON was much publicized, and Senator NELSON got an additional \$100 million in Medicaid money, and he then became the 60th vote that was necessary to clear the Senate.

You have got Gatorade. There is another Senator down in Florida, and he got an exemption. I talked before about, I wish I could keep my health care. Well, there are a lot of seniors in Florida, and about 800,000 of them are in Medicare Advantage, which is eliminated under both bills. In order to get Senator BILL NELSON's vote down in Florida, he got to keep all of his Medicare Advantage people in Medicare Advantage. But in our States, if this were to become law, they are out.

I want to go to Montana. The head of the Finance Committee over in the Senate, Senator MAX BAUCUS, of course is from Montana. He secured Medicare coverage for anybody that has been exposed to asbestos. Now, I think that is okay with me; but you have got to read the fine print in all of this business. And it only applies to people who were exposed to asbestos who worked in a mine in Libby, Montana. So again, Ohio, Tennessee, all the other 49 States, if you were exposed to asbestos, you are not covered; but if you are from Montana, you are.

I yield to Mr. McCOTTER.

Mr. McCOTTER. I thank the gentleman. This segues into another point on the chart, the sweetheart deals that were made with big pharmaceutical industries and others to try to get this bill passed. But the converse is the heartless deals that were also made to get this bill passed.

The gentleman has talked about the disparate treatment amongst the States, which helps to explain why the bill is being handled behind closed doors so the public cannot see what Mr. Milbank, thankfully, is able to write under the Constitution.

One of the two heartless deals is the taxpayer funding of abortion which is in the Senate bill. And at this point, I would like to thank our Democratic colleague BART STUPAK for his efforts here to ensure that the House bill carried his provision to prevent the taxpayer funding of abortion. It was a rare moment of bipartisanship and a very difficult issue. He has been a man of strong courage and conviction and held his ground, and hopefully we could still see that provision remain if something is passed.

We have also seen the heartless deal of, as has been mentioned, cutting a half trillion dollars from Medicare. That doesn't sound like a very good deal for the senior citizens.

And in the end, there is also a hidden deal that the American people don't, I think, quite realize the extent to which it is going to hurt them. The deal is this: within these bills is the concept, the quality and continuation of your life and the health care you require to perpetuate it and improve it is tied to the cost to the government.

I want to be clear on this. We discuss this in our Republican House policy pamphlet, "We, the People," which you can see on line at RepublicanHouse.com.

The fundamental tenets of the health care bill before us set forward a heartless deal whereby your life and health care will be determinate upon its cost to the government. And that is because the underlying theory is that government can control health care costs by controlling the supply of health care and your decisions. It is absolutely backwards.

A better deal for the American people would be to realize you have an inherent sanctity and dignity and liberty that allows you to pursue your health and wellness and happiness, absent its cost to the government, as long as you don't hurt other people; and to make sure that we go towards a patient-centered wellness that empowers individuals as consumers of health care to be able to make their own decisions, and allow the free market that is born of that to increase the supply of health care to reduce costs. A far better deal for the American people from their servant government.

I yield back.

Mr. LATOURETTE. I thank the gentleman for that observation. And just cueing up on the doctor's comment earlier about NICE and Great Britain, there are a lot of stories. You hear stories of people in Great Britain love their coverage, some people hate their coverage.

One of the stories that I have seen is there is a condition that you probably know, macular degeneration, where the

back of the eye degenerates and eventually can lead to blindness. It is tied in many cases to people who are diabetic. There are a number of drugs that can help slow or even move towards a cure for macular degeneration.

The NICE program, the NICE board which we are now modeling this board that Mr. McCOTTER talked about in the United States, apparently will not approve the best drug, the drug that has the greatest results. And I get that. I mean, there is a big fight between the boutique drugs and generic. But they will only cover one eye. They won't cover both eyes. So it sets up sort of this strange situation.

I haven't been to England lately; but if you go, it is sort of everybody is going to have an eye patch. It is going to be okay on International Pirate Day, but it is probably not going to work out the rest of the year. But those are the choices that you wind up getting in.

Mr. ROE of Tennessee. I will just continue with that thought for a moment. When I began my practice—and, yes, we practiced like it takes us a while to get it all right, and I am still working on it after 30 years trying to get it right—but when I began my practice in medicine, the survival rate of breast cancer in this Nation was about 50 percent for 5 years. If a patient came to me and said, Dr. ROE, I have breast cancer. What are my chances of living? About 50 percent had 5 years.

Fast forward to now. We get a stage I breast cancer now, which we are finding almost all of them at early detection because of early mammograms; it is over 95 percent. It is one of the great stories. You can tell a patient, no matter how ill you get, no matter how sick you are, you are going to make it. You are going to be fine.

In England what they did was they were doing mammograms, and they discovered and there will be a false positive where the test says you have something and you don't. Well, let me tell you, one of the best days you will ever have is calling a patient up and tell them, You don't have cancer. I have never had a problem with that. But what they found out was that the biopsies, it is a fairly sophisticated biopsy. It requires a radiologist and an X-ray and so forth. That was costing more than providing the mammograms. So what they have done is now they don't do routine screening mammograms. They just wait until you get a cancer, until you can feel a lump, and then biopsy it.

The highest survival rate I have been able to find in English literature is 78 percent. I can promise you, if you follow that pathway, it is going to go right back down to 50 because you will find them too late after the disease has already spread.

So this stuff is occurring. This is not fairytale stuff. It is occurring right now.

□ 1600

I will give—and back to your first point a moment ago, I will give Senator NELSON from Nebraska kudos. I have to say, because in our State, in Tennessee, we have a budget shortfall. As a matter of fact, we can't even fund—we have no capital projects at the university this year. We're not building a library, a dormitory, nothing. We have 50 less highway patrolmen than we had 30 years ago and we've got 2 million more people. That's how dire our budget is.

So what happens with this new bill we're talking about, adding Medicaid, is that you're going to add almost a billion dollars to Tennessee's budget that we don't have, and it's a tax on States. In other words, what you're doing when you add all these people, as you pointed out, is somebody's got to pay for it. And there's a State match. Senator NELSON understood that and he just exempted his State from that match.

So that's why it's important for the viewers to understand that you at home will get not only a tax, an individual mandate tax, you're also going to get a tax. And what the government has done is an unfunded mandate. We see that all the time around here, where bills are passed and local municipalities or States are left to pay the bills. So I think it's important that the folks understand that.

I yield back.

Mr. LATOURETTE. Before yielding to the gentleman from Michigan, I just want to finish the pork rib so we can move on to sweetheart deals and the rest of our patient here. We may have to come back and do this again to get through all of the time.

But the last pork rib I want to talk about is two Democratic Senators from the State of North Dakota, Senators DORGAN and CONRAD. They, through their skill, were able to get a provision bringing higher Medicare patients to hospitals and doctors in frontier counties. Now, they weren't as blatant as some of the other ones that say it's coming to Florida, it's coming to Nebraska, but frontier counties.

I guess I'd yield to the gentleman from Michigan for his thoughts. First, I want to just ask him to answer, Do you have any frontier counties in Michigan, because we don't in Ohio.

Mr. MCCOTTER. If we did, they're not in my district.

Mr. LATOURETTE. Does the gentleman have an observation he'd like to make?

I'd yield to him.

Mr. MCCOTTER. I thank the gentleman for yielding.

On the point about the sweetheart deals and the disparate treatment amongst the States, we have to remember that in the haste to pass this bill and in the haste of the backroom dealing and the haste of trying to "incentivize" their own Democratic colleagues' votes in the Senate, you have to remember that the rule of law

applies equally to all individuals. As a free Republic composed of 50 sovereign States, it is critical that all States be treated equally under the law, under the Constitution. In their haste to pass this bill, they are endangering one of the fundamental foundations of a constitutionally based free Republic. That is a very grave mistake to make, no matter how much you attempt to reform anything, especially when dealing with the body politic.

I yield back.

Mr. LATOURETTE. It's interesting the gentleman should make that point. Senator REID of Nevada, of course, is the majority leader on the other side of the Capitol in the Senate, and he was asked about these special deals. The gentleman's correct; it takes a bill that I think is flawed and now makes it not fair. It's not fair to Ohio, Tennessee, Michigan, and other States that we're going to pay higher taxes to take in the people that can't get insurance into our Medicaid program, and the people in Louisiana and Nebraska and Florida aren't going to have to do that. But Senator REID was asked about that and his quote was: There are 100 Senators here, and I don't know that there's a Senator that doesn't have something in this bill that isn't important to them.

I think I agree with that. If they don't have, then it doesn't speak well of them.

Now, I've got to tell you, our Senators back in Ohio, nobody likes this stuff. But I've been in places where they asked, How come you didn't get? BEN NELSON got. This guy got. Why didn't you get anything? So the gentleman is absolutely right. It's a flawed bill, but now in the Senate it's been made worse because now it's not fair because people in Nebraska and Iowa and North Dakota and Florida and Louisiana are going to be treated better than the constituents in our State. That's not fair. That's not fair.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

The point was made twice that the American people are the fairest people on this Earth, and we live in a place where we have fought a Revolutionary War, established a Constitution that stated that everyone had that right—has a right to be treated equally and under the U.S. Constitution. This does not do that. It absolutely voids those rights for people in certain States and gives more rights to people in other States.

I can tell you, the American people will do a lot of hard things if you're honest with them and you're fair and they feel like the people in California and the people in Ohio and Tennessee and Michigan and Nebraska are all being treated the same. I might add that the people in Nebraska feel the same way. I have seen them and I've seen the people in Florida speak and I've seen the people in other States who got these sweetheart deals. And Louisiana, they're not happy about

that either. They're fair people. I want to point that out. It's not the people of those States. They're very fair people.

I yield back.

Mr. LATOURETTE. Well, thank you.

The gentleman makes a great point, because you would think that the Governor of Nebraska, who doesn't have to go find \$100 million to put into the Medicaid program and a budget that's strapped, would be doing cartwheels over this deal. He was quoted just like Senator REID was, and he said, Nebraskans did not ask for a special deal, only a fair deal. Under no circumstances did I have anything to do with the compromise. I, along with Governors all across America, have expressed concern about the unfunded Medicaid mandate. I have said all along that this bill is bad news for Nebraska and bad news for America. Additionally, I've criticized Senator REID when he got a special deal for Nevada that didn't apply uniformly to all States. Our Senator negotiated this deal rather than a fair deal for both Nebraska and America.

Again, if you're the chief executive of Nebraska, you think you'd be happy about this because part of your budget problems have just gone away as a result of this deal. But they recognize the gentleman's point exactly. As Americans, they want everybody to be treated fairly, even if it's at the cost of they could have gotten something extra.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. LATOURETTE. Sure. Happy to.

Mr. ROE of Tennessee. We have a Democratic Governor in the State of Tennessee, and he and the legislature are right now in session beginning on this very difficult process of balancing the budget. Our Governor in the State of Tennessee said this was the mother of all unfunded mandates. He wants no part of it. He feels like it's bad, just as the Governor of Nebraska and other Governors are realizing; that it's just another huge government entitlement that's going to cost the States and local taxpayers.

Like I said a minute ago, what are we supposed to do? Do away with our highway patrol if the Federal Government passes this? Are we supposed to not do anything for education in the State of Tennessee? I don't know what the Federal Government expects us to do, but I guess they expect us not to build colleges, not to add to our schools. I don't know. Right now, the legislature is working very hard not to cut money from education.

We hear and I've heard all the time about how our side, the Republican side, doesn't have any ideas about health care. Well, it would have been nice to share that with somebody. We have 10 physicians in our caucus on the Republican side. Not one of us was asked about this 2,000-page health care bill. I found that astonishing when I've spent my career in health care and not one person asked my opinion about

what I thought of this bill. I found that amazing to me. And so when I go home and tell people in Tennessee—as a matter of fact, all over the State of Tennessee—when I go, they can't believe it. It is sort of hard to believe.

I yield back.

Mr. LATOURETTE. I thank the gentleman.

Perhaps it's still because you're still practicing after 30 years they didn't feel that they wanted to solicit your opinion. I would say that I actually introduced a bill, and it wasn't 2,500 pages long. It was 85 pages long. It was written by the American Academy of Physicians. I didn't write it because I'm not smart enough to figure that out. They wrote it. It didn't cost what this cost. It covered everybody, took care of preexisting conditions. Around here, when you want an amendment to a bill, you've got to take 50 copies up to the Rules Committee, and so I got a mule and took 50 copies of this 85-page bill up to the Rules Committee. They didn't even think about it.

Now, what's the danger? Here, back to process, you talk about process and people's eyes sort of glaze over. But the stark reality is on this side of the aisle there are only 178 Republicans. Over here there are 257 Democrats, and the magic number here is 218. You get the simple majority, you're able to pass legislation, unlike in the Senate. So what are they afraid of? If they had made in order for 5 minutes the opportunity for me or you, as a physician, or Representative McCOTTER, as a representative of about 700,000 people in Michigan, say, "You know what? We don't like your thing but we have an idea to improve it, maybe make it a little bit more bipartisan," what is the danger in letting us talk for 5 or 10 minutes, vote on it, and then move on? They can squish you like a bug. I've said back home, at 178–257, we can't stop a one-car parade. And so this talk out there that somehow Republicans are stymieing this effort—we can't. We just don't have the ability based upon the makeup of this Chamber.

Their problem has been that some Democrats are fighting with other Democrats. And if you look at how this thing is falling apart, some people think it's gone too far. Some people think it's gone not far enough. Not many people think it's just right or else we'd have the legislation on the floor.

I want to just skip past the next two, and I would invite the gentlemen to come back and maybe we'll spend a whole hour on the next two, but one is an arm and a leg. We could talk all day about what it costs. The one thing I do want to mention about the cost is, you look at CBO. CBO scored the first bill, I think it was \$1.6 trillion over the life of the bill. It was going to be an additional cost. The Senate bill is about a trillion, and they pay for it. And that's where the "hard to stomach" comes from, the new taxes and fees that are going to be hard to stomach to pay for this thing.

But the amazing thing to me is that people around here were bragging that it only costs a trillion dollars, but the taxes—the taxes and the fees would start now. If this bill had been passed and signed into law by the President, they would begin taxing all the things we'll talk about another day today, but the benefits that they are proposing to give to people don't come in until 2013.

Now, the three of us I don't think would be in the Congress if we had invented a business that we could come to people and say, You know what? I would like you to pay me a hundred thousand today and for the next 4 years, and in 2013 I'll get around to building you a house or getting you a car, whatever the case may be.

So it's not just a trillion dollars. It's not just a trillion-and-a-half dollars or whatever the figure is. It is a trillion dollars once you start the benefits after you've been collecting taxes for 4 years.

The gentleman from Michigan.

Mr. McCOTTER. I appreciate that from the gentleman.

I just want to be clear on this. As we put forward in the Republican House Policy pamphlet, *We the People*, which you can view at Republicanhousepolicy.com, the government doesn't spend what it makes. It spends what it takes. When the gentleman talked about how, if you started a business, you would have startup costs. You would not be able to go out to people and simply take their money and promise them a product later and talk about what a wonderful profit that you have. What we're seeing here is some of the worst of government accounting, where the government goes out and takes your money on the promise of something later and then it tells you that it isn't as expensive as it's going to be.

I yield back.

Mr. LATOURETTE. I thank you.

I want to get to my favorite one. This is "you've got to be kidney." We talked at the top of the hour about some of the things that were in the stimulus bill, some of the things that were in the cap-and-trade legislation, but when you rush through a 2,000-page bill, it's got a lot of stuff in it. And I have "you got to be kidney," and maybe the two gentlemen have an observation about it. I thought a couple of things came to my mind about "you've got to be kidney."

This is a bill about health care, about taking care of people who are sick, making sure that people get health coverage. There is a provision in the bill that gives veterinary students—people training to be doctors to take care of horses, dogs, and cats—they're able to tap into a \$350 million fund to pay off their student loans. Now, I like veterinarians. I don't want to get in trouble with veterinarians. I think they do a great job. But what in the devil does a veterinarian have to do with a health care bill to provide better health care for people in America?

□ 1615

My second statement, before I yield to the gentleman, is that there is a provision in the bill that somehow—I think some of the drafters of this legislation think the people who we represent are stupid. So it's their proposal that they are going to require—and I'm sure it's not going to be at no cost—every vending machine in America to have a label that tells you whether or not what you're about to buy is good for you and what's in it, what's not in it, and so on and so forth.

Now, I have got to tell you, if you look at me, I'm not such a healthy eater. But I will tell you that I know when I put 80 cents in the vending machine in the Rayburn House Office Building, and I'm going to get one of those Hostess Cupcakes with the delicious cream filling, it's not good for me. I know that. We don't need to make that Ho Ho \$1.50 because the Hostess people have to put a label on there telling me, you know, that if you eat this, you're probably going to gain weight.

Mr. McCOTTER. Will the gentleman yield for a point of order?

Mr. LATOURETTE. I would be happy to.

Mr. McCOTTER. I will ask the Chair, is there a House rule against product endorsement or placement in speeches that are delivered here in the Chamber?

Mr. LATOURETTE. The gentleman is being facetious.

Mr. McCOTTER. I withdraw the request.

Mr. LATOURETTE. So those are two things that jumped out at me. I don't know if either gentleman would like to add to that before we move on.

Mr. ROE of Tennessee. I would like to add to that. I agree with you 100 percent. If you haven't figured out that eating out of a vending machine is not healthy for you, you are not smart enough to be here in the U.S. Congress.

Mr. LATOURETTE. I do take umbrage with that, Doctor.

Mr. ROE of Tennessee. The other little thing that I thought was fascinating about this health care bill was a mention for carbon credits for black liquor. And most people don't know what black liquor is, but I happen to have a paper factory in my district. It's a paper byproduct. Why in the world was that in there? Why was a sewer system on Indian reservations? Why was the calorie content of a doughnut—I don't even eat doughnuts. I started eating a dozen of them because it's not government's business to be telling you that. I want to mention something about—you talked about how they took the money and then provided the service 3 years later. Well, typically you see those furniture store ads on Saturday morning, what they typically give you is zero interest; you don't pay anything, and you get the product. This is just the opposite. I find it fascinating. Let someone try to sell you a couch doing that.

The cost is another thing I wanted to bring up, the government estimates of cost—I think this, to me, was the most amazing thing in the world. Medicare came online in 1965. It was a \$3 billion program. The estimate from the government was that 25 years later, that program would be a \$15 billion program. In 1990, 25 years later, it was a \$90 billion program. Today it's over \$400 billion. In Tennessee, we started in 1993 a program called TennCare to save money, to manage care and save money. It was a \$2.6 billion program. Ten budget years later, it had tripled to an \$8 billion program. It took up every new—almost every new dollar the State took in. So when you see these cost estimates of \$1 trillion or \$1.2 trillion, it's a fairy tale. I mean, every single government program that I have ever heard of, with the exception of Medicare Part D, went over budget.

Mr. LATOURETTE. We have about 10 minutes left, and I know the gentleman from Michigan is sort of an expert on this. This goes, again—if you like your plan, you can keep it. We have called it high-quality plans, which of course is high-quality plans. And in the Senate bill, in order to pay for some of this business, the gentleman maybe could enlighten us on what it is they do to people that have—either provided by their employer, their labor union or by whatever—a plan that really takes care of them and their family, a little pricey, but it takes care of them. I would like the gentleman to share his thoughts.

Mr. MCCOTTER. I thank the gentleman for yielding. The sky-thigh, 40 percent surcharge on health plans, in an attempt to capture, “Cadillac” plans, which we from Detroit prefer to call Lexus plans. The government in the Senate passed a bill that would tax these plans. What they did was, they caught up a whole lot of working people who have collective bargaining agreements from employer-provided benefits. You can imagine that coming from a district like mine, an auto-based district of people who still make things for a living such as cars, this was a very unfair tax to them. It went against the express position of many people in the Democratic Party who, like myself—and I believe the gentleman from Ohio—oppose putting a tax on employer-provided health care benefits.

We've recently seen where the unions had to go to the White House to try to stop this unfair tax from affecting people that they represent. I, for one Republican, am glad that the administration has shown a willingness to back off this tax because I wish everybody would not have to pay this tax. I wish they would go back to the drawing board and get it right. But it goes back to the fact that in the rush to pass this, in a haste behind closed doors to do this, they actually hurt the very working people that so many of us on both sides of the aisle have promised should never have their employer-provided health care benefits taxed.

And if I may very quickly in one moment, I wish to answer your question about vending machines. It goes back to our earlier point. The government is tying your health to the cost to the government. They want to control what you eat because if you eat improperly, it costs them “money.” Now I will just remind people, if you don't want the government in your bedroom, you sure don't want them in your kitchen either.

Mr. LATOURETTE. I thank the gentleman. Just to get to the last two, and then we will come back for another hour another day. This painful business down here on the foot, that's called a corn. And of course during the last election, a lot of people became familiar with an organization by the name of ACORN. Again, when you talk about what was handed out in the Senate, the Senator from Illinois who was the replacement for Senator Obama when he came President Obama, Senator BURRIS, is claiming a provision in Senator REID's manager's amendment that could funnel money to ACORN through the health care bill. Specifically, for those that care, it's on page 150, and it says that “community and consumer-focused nonprofit groups” may receive grants to “conduct public education activities.” So we have ACORN. And again, I'm not going to talk about all the other ACORN stuff. But what does ACORN have to do with lowering the cost of health care and making sure that people are provided?

To wrap up, the last one that we have is a kind of tricky medical, the Achilles' heel. And I put the Achilles' heel on this chart because the Achilles' heel of this entire plan, in my opinion, is the will of the American people. The American people have spoken up. They have spoken up in Virginia and New Jersey and Massachusetts. They're speaking up on the streets. They spoke up in August at town hall meetings, and it's a strange thing. I have seen a couple of articles that say that the Senate has a really tough job after they passed their bill around Christmas because they have to go home and try to convince people that a bill they don't want is good for them. I have been in public life for about 20 years. That's a strange paradigm.

So closing thoughts from the gentleman from Tennessee.

Mr. ROE of Tennessee. Well, I think it brings the point. It is getting harder and harder to pass legislation that people don't want, for sure. And I think, just very quickly, to let people know of a few basic ideas that we have that will help solve this problem. I mentioned to you a moment ago cost and affordability are what people worry about, and preexisting conditions. How do you deal with those things?

One of the things you can do is allow health insurance companies to go across State lines like any other insurance companies. Form association health plans. Preexisting conditions are only a problem for individual mar-

kets, if I'm going out to try to buy it, or small businesses, like I ran. But if you are spreading those risks among hundreds of thousands or millions of people, it's not a problem. Number three is tort reform. We haven't touched on that. Certainly malpractice reform is a major cost bender in this.

Mr. LATOURETTE. Well, just taking back my time for a minute. They say we have 5 minutes left. So we are going to be okay, and we'll get to Mr. MCCOTTER for a closing thought.

But there was a focus group in Massachusetts the night of the election, run by a pollster named Frank Luntz, and there was a physician in the focus group. He mentioned that exact point. He said, Why don't you have malpractice reform? Why don't you stop this needless double testing to make sure that you don't get sued? Actually, when our proposal was put forward, the bean counters indicated that that would save to the system \$56 billion a year.

Now to the gentleman's point about the high-quality plans: Why wouldn't you take that \$56 billion a year out of frivolous lawsuits so that these folks that have negotiated for good-quality health care for their families don't have to pay a 40 percent income surcharge on income that they're not receiving?

Mr. ROE of Tennessee. I could not agree more. And I certainly agree with my colleague from Michigan, Congressman MCCOTTER, about the high plans, the so-called wealthy plans. We don't need to be increasing taxes on—Americans can't stand another tax right now.

The other thing you can do in the State is subsidize at a nominal amount of money high-risk pools so that people who do have preexisting conditions—that's another way you can deal with that very simply. And those four or five things we talked about we could all agree on. We could get this done this 90 days or less, right here in the House in a bipartisan fashion. If the President is ready to work with us, I know our side is. I am. I yield back.

Mr. LATOURETTE. Thank you. And I yield to the gentleman from Michigan for his closing thoughts.

Mr. MCCOTTER. I thank the gentleman. One of the fundamental concepts behind this great Nation is that all power is vested in the sovereign people. It is simply delegated to us, as their servants, to do the work of governance on their behalf. You cannot defy the people who sent you here. You cannot tell your employer who is giving a 2-year, 6-year or a 4-year contract that they don't know what they are talking about, that you know better than they do, and you will take their money to convince them of it over a period in time.

I think that what we have to remember here, the true Achilles' heel is not the American public's lack of understanding about this. It is the Congress' arrogant defiance of the wishes of the American people that have commonsense solutions to problems that affect

their daily lives, especially in a very difficult time of economic recession, with high unemployment, such as in States like mine, Michigan.

When we think about this, it is a very fundamental proposition. Lincoln laid it out a long time ago. Whatever happened in Massachusetts and throughout this country, it's not anger. It's not just frustration. It's not vexation. It's the fact that the American people understand what's happening. They have the information, and they do not give their consent to this radical government-run health care bill that was passed by this House or by the Senate or is threatened to be passed again, because Lincoln was right: Why should there not be patient confidence in the ultimate justice of the people? Is there any better or equal hope in this world? The answer remains no, and I would encourage my Democratic colleagues to heed their wisdom. I yield back.

Mr. LATOURETTE. I thank both the gentlemen for participating. I will just say that in light of this election in Massachusetts, I have hoped that the administration will push the reset button, and we would take the President at his word when he came here to this House. Let's get a bill. Let's get something done on the 80 percent that we can agree about. We can fight for the rest of the couple years on the 20 percent we don't. But let's get something done for the American people.

And not to use percentages, but as our friend here in the Operation game, my folks back home are saying, We need to take care of the things that, Doc, you've talked about. Why though, in order to take care of the 15 percent of the people we have to deal with—that's the estimate—do we have to mess with the other 85 percent? We have to mess with the people who have good quality health care? We have to take \$500 billion out of Medicare? People don't understand it. And I don't blame them for not understanding because I don't understand it either. And I just have to say again, you've got to be kidding.

I thank you both for participating, Mr. Speaker. I thank you and yield back.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 874

Ms. MARKEY of Colorado. Mr. Speaker, I ask for unanimous consent to be removed as a cosponsor from H.R. 874.

The SPEAKER pro tempore (Mr. TEAGUE). Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

THE SMALL BUSINESS AID ACT

(Ms. MARKEY of Colorado asked and was given permission to address the House for 1 minute.)

Ms. MARKEY of Colorado. Mr. Speaker, obtaining and maintaining

credit is a serious issue facing most small businesses in this country. The lack of credit has caused a cash-flow crunch on many businesses, impacting their ability to grow, purchase new equipment or hire a worker. Approximately \$2.5 billion in commercial loans will come due in the next year, and many banks will not be willing or able to renew them.

On May 20, 2009, I introduced the Small Business AID Act, H.R. 2527. The Small Business AID Act will allow small businesses to utilize the SBA's 504 loan program to refinance existing debt. Low interest rates in conjunction with this bill allow small businesses to reduce their debt while raising their cash flow. This bill is temporary in nature, limiting debt restructuring for 2 years. The bill is also deficit-neutral. Over 94 percent of my colleagues have certified development companies in their districts which provide loans to small businesses. These loans amount to an average of \$1.6 million investment in small businesses in each of our districts, and the average number of loans per year per district is three. That means almost \$5 million invested in businesses, purchases, employees.

Senator LANDRIEU introduced S. 2869 on December 10th, which includes provisions which are similar to The Small Business AID Act. The Senate Committee on Small Business and Entrepreneurship conducted hearings and has reported the bill favorably.

Our economy needs a shot in the arm. The Small Business AID Act is a simple cost-free fix to infuse more cash into our economy. I urge all members to support H.R. 2527.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BRIGHT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

ADJOURNMENT

Ms. MARKEY of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 22, 2010, at 10 a.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr. Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Guterrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb

Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh*, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J. J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Oliver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S. P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Mark Schauer, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr., Jose E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis*,

Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5652. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-092] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°26.8N 093°25.8W [COTP Port Arthur-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.0 to Mile Marker 89.0, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-084] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.5 to Mile Marker 88.5, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-086] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker Minus 20 to Mile Marker 1.5, Pilotown, LA [COTP New Orleans-05-087] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 229 to Mile Marker 229.8, in the vicinity of U.S.S. KIDD, Baton Rouge, LA [COTP New Orleans-05-088] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 482.2 to Mile Marker 491, Lake Providence, LA [COTP New Orleans-05-089] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 297 to Mile Marker 298, Angola, LA [COTP New Orleans-05-090] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 96 to Mile Marker 97, New Orleans, LA [COTP New Orleans-05-091] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5661. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5662. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5663. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 feet east to 200 feet west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-08-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5664. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 293 to Mile Marker 300, Angola, LA [COTP New Orleans-05-055] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5665. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oachita River, Mile Marker 31 to Mile Marker 33, Jonesville, LA [COTP New Orleans-05-057] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5666. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 406.0 to Mile Marker 363.0, Claiborne County Port, MS to the Natchez Front, Natchez, MS [COTP New Orleans-05-080] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5667. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 367.0 to Mile Marker 363.5, in the vicinity of the Natchez Front, Natchez, MS [COTP New

Orleans-05-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5668. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to Mile Marker 365.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-05-082] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5669. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to Mile Marker 365.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-05-083] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5670. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay FL, Fort Pickens, ICW Mile 180 to Mile 182 [COTP Mobile-07-010] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5671. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay FL, Bayou Chico [COTP Mobile-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5672. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Casotte Harbor, Pascagoula, MS [COTP Mobile-07-015] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5673. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Santa Rosa Island, FL [COTP Mobile-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5674. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Santa Rosa Sound, Pensacola Beach, FL [COTP Mobile-07-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5675. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5676. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM170.5 to MM171.5 bank to bank [COTP Morgan City-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5677. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM65.0 to MM67.0, bank to bank [COTP Morgan City-06-006] (RIN: 1625-AA00) received

January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Cote Blanche Bay, 1 mile radius from a point North 29 degrees, 37 minutes, 8 seconds by West 91 degrees, 47 minutes, 12 seconds [COTP Morgan City-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5679. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Brige at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5680. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.5 to Mile Marker 88.5, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-085] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Hinesville, GA [Docket No.: FAA-2009-0960; Airspace Docket No. 09-ASO-29] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5682. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes [Docket No.: FAA-2009-0915; Directorate Identifier 2009-NM-224-AD; Amendment 39-16049; AD 2009-21-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Vulcanair S.p.A. Modles P 68, P 68B, P68C, P 68C-TC, and P 68 "OBSERVER" Airplanes [Docket No.: FAA-2009-0869; Directorate Identifier 2009-CE-043-AD; Amendment 39-16090; AD 2009-24-03] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Model TAE 125-01 Reciprocating Engines [Docket No.: FAA-2009-0753; Directorate Identifier 2009-NE-31-AD; Amendment 39-16102; AD 2009-24-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira De Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2009-0870; Directorate Identifier 2009-CE-049-AD; Amendment 39-16108; AD 2009-24-14] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5686. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Morgan City Port Allen Route Intracoastal Waterway Canal, Mile Marker 49 to Mile Marker 51, in the vicinity of Bayou Grosse Tete, Plaquemine, LA [COTP New Orleans-05-056] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5687. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2009 base period T-bill rate (Rev. Rul. 2009-36) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ:

H.R. 4484. A bill to preclude individuals who have a pending charge or have been convicted of a crime from serving as enumerators for the collection of census data; to the Committee on Oversight and Government Reform.

By Mr. HALL of Texas:

H.R. 4485. A bill to require transfer of the 1002 Area of Alaska to the State of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Ms. SLAUGHTER, Ms. SHEA-PORTER, Mr. MOLLOHAN, Mr. RAHALL, Mr. TIERNEY, Mr. WELCH, Mr. VAN HOLLEN, Mr. ELLISON, Ms. PINGREE of Maine, Mr. MICHAUD, Ms. SUTTON, Mr. OBERSTAR, Mr. WALZ, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. MASSA, Mr. PETERSON, Ms. MCCOLLUM, Mr. DEFAZIO, Mr. KAGEN, and Mr. COSTELLO):

H.R. 4486. A bill to amend the Internal Revenue Code of 1986 to treat distributions of debt securities in a tax free spin-off transaction in the same manner as distributions of cash or other property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4487. A bill to require the approval of a majority of a public company's shareholders for any expenditure by that company to influence public opinion on matters not related to the company's products or services; to the Committee on Financial Services.

By Mr. FILNER (for himself, Mr. FARR, and Mr. GALLEGLY):

H.R. 4488. A bill to implement updated pay and personnel policies in order to improve the recruitment and retention of qualified Federal wildland firefighters and to reduce the Government's reliance on the more costly services of non-Federal wildfire resources; to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH (for himself, Mr. CONNOLLY of Virginia, and Mr. CUMMINGS):

H.R. 4489. A bill to amend chapter 89 of title 5, United States Code, to ensure program integrity, transparency, and cost savings in the pricing and contracting of prescription drug benefits under the Federal

Employees Health Benefits Program; to the Committee on Oversight and Government Reform.

By Mr. McKEON (for himself, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. AKIN, Mr. FRANKS of Arizona, Mr. FORBES, Mr. ROGERS of Alabama, Mrs. McMORRIS RODGERS, Mr. SHUSTER, Mr. PLATTS, Mr. LOBIONDO, Mr. KLINE of Minnesota, Mr. BISHOP of Utah, Mr. TURNER, Mr. CONAWAY, Mr. ROONEY, Mr. HUNTER, Ms. FALLIN, Mr. LAMBORN, Mr. THORNBERRY, Mr. JONES, Mr. MILLER of Florida, Mr. FLEMING, Mr. COFFMAN of Colorado, Mr. BOEHNER, Mr. CARTER, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. GINGREY of Georgia, Ms. ROS-LEHTINEN, Mr. KING of New York, Mr. CANTOR, Mrs. MILLER of Michigan, and Mr. MCCARTHY of California):

H.R. 4490. A bill to require the President to submit certain certifications to Congress before transferring or releasing an individual detained at Naval Station, Guantanamo Bay, Cuba, to the custody of another country; to the Committee on Armed Services.

By Ms. SPEIER (for herself, Mr. CLAY, Ms. LEE of California, Ms. JACKSON LEE of Texas, Mr. ABERCROMBIE, Mr. BACA, Ms. BERKLEY, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COSTA, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HONDA, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SESTAK, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Ms. WATSON, and Ms. ZOE LOFGREN of California):

H.R. 4491. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 4492. A bill to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. FARR, Mrs. CHRISTENSEN, Mrs. CAPPS, and Mr. HONDA):

H.R. 4493. A bill to provide for the enhancement of visitor services, fish and wildlife research, and marine and coastal resource management on Guam related to the Marianas Trench Marine National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois:

H.R. 4494. A bill to amend the Internal Revenue Code of 1986 to allow a credit for lightweight coal freight cars; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself, Mrs. KIRKPATRICK of Arizona, Mr. PASTOR of Arizona, Mr. GRIJALVA, Mr. MITCHELL, Mr. FRANKS of Arizona, Mr. FLAKE, and Mr. SHADEGG):

H.R. 4495. A bill to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office"; to the Committee on Oversight and Government Reform.

By Mr. GRAVES (for himself, Mr. BARTLETT, Mr. LUETKEMEYER, Mr. BUCHANAN, Mr. AKIN, and Mr. SCHOCK):

H.R. 4496. A bill to ensure that small businesses have their fair share of Federal procurement opportunities, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. BORDALLO, and Mr. BROWN of South Carolina):

H.R. 4497. A bill to expand the workforce of veterinarians specialized in the care and conservation of wild animals and their ecosystems, and to develop educational programs focused on wildlife and zoological veterinary medicine; to the Committee on Agriculture, and in addition to the Committees on Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 4498. A bill to permit voters to vote for "None of the Above" in elections for Federal office and to require an additional election if "None of the Above" receives the most votes; to the Committee on House Administration.

By Mr. HOEKSTRA:

H.R. 4499. A bill to provide that the voters of the United States be given the right, through advisory voter initiative, to propose the enactment and repeal of Federal laws in a national election; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 4500. A bill to rescind unobligated appropriations and repeal certain health care-related provisions in the American Recovery and Reinvestment Act of 2009 for purposes of reducing the national debt; to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 4501. A bill to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; to the Committee on Energy and Commerce.

By Mr. HALL of Texas:

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States prohibiting corporations and labor organizations from using operating funds for advertisements in connection with any campaign for election for Federal office; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 69. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 70. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to propose amendments to the Constitution by an initiative process; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to recall elected officials; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Mrs.

BLACKBURN, Mr. CARTER, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. WOLF, and Mr. MCCAUL):

H. Res. 1025. A resolution expressing the support of the House of Representatives for members of the Armed Forces who fight terrorism and the sense of the House of Representatives that the United States Government should pay for the legal expenses of members of the Armed Forces who are accused of committing crimes related to the treatment of a suspected terrorist, if the member is acquitted or the charges are dropped; to the Committee on Armed Services.

By Mr. CHAFFETZ (for himself, Mr.

HUNTER, Mr. KRATOVIL, Mr. NYE, Mr. FLEMING, Mrs. LUMMIS, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, Mr. POSEY, Mr. ROE of Tennessee, Mr. HARPER, Ms. JENKINS, Mr. BARROW, Mr. BRIGHT, Mr. LUETKEMEYER, Mr. OLSON, Mr. TAYLOR, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MCINTYRE, Mr. KAGEN, Mr. SHULER, and Mr. CHILDERS):

H. Res. 1026. A resolution expressing the sense of the House of Representatives that the continued peace, prosperity, liberty, and national security of the United States and its people depend upon the rule of law and credible and effective immigration enforcement policies which both welcome lawful immigrants and non-immigrants and also prevent the unlawful entry or unlawful continuing presence of foreign persons; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLON (for himself, Mr.

FARR, and Ms. BORDALLO):

H. Res. 1027. A resolution recognizing the 50th anniversary of the historic dive to the Challenger Deep in the Mariana Trench, the deepest point in the world's oceans, on January 23, 1960, and its importance to marine research, ocean science, a better understanding of the planet, and the future of human exploration; to the Committee on Science and Technology.

By Mr. SULLIVAN (for himself, Mr.

BOREN, Mr. LUCAS, Ms. FALLIN, and Mr. COLE):

H. Res. 1028. A resolution honoring the life and achievements of Oral Roberts and recognizing his contributions as a minister to the Christian community; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. EHLERS, Mr. BARTLETT, Mr. BERMAN, Mrs. BIGGERT, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CASTLE, Mr. COURTNEY, Mr. DOYLE, Mrs. EMERSON, Mr. FARR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HOLT, Mr. ISRAEL, Mr. LANCE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LOEBSACK, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. PETRI, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ, Mr. SIREs, Mr. SKELTON, Ms. SUTTON, Mr. TOWNS, Mr. UPTON, and Mr. YARMUTH):

H. Res. 1029. A resolution expressing support for designation of the week of February 1 through February 5, 2010, as "National School Counseling Week"; to the Committee on Education and Labor.

By Mr. PLATTS:

H. Res. 1030. A resolution congratulating Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. PIERLUISI, and Mr. GONZALEZ):

H. Res. 1031. A resolution impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Ms. CHU:

H. Res. 1032. A resolution expressing the sense of the House of Representatives that the United States should continue to assist the Mexican Government in fighting the drug cartels and curbing violence against Mexican and United States citizens, both in the United States and abroad; to the Committee on Foreign Affairs.

By Mr. REICHERT (for himself, Mr. GERLACH, and Mr. BACHUS):

H. Res. 1033. A resolution expressing support for designation of April 2010 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. LEWIS of Georgia, Mr. SESSIONS, Mr. HARE, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. PLATTS, Mr. RYAN of Ohio, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. FILNER, Mr. RAHALL, Ms. ROS-LEHTINEN, Mr. BOUSTANY, and Mr. KINGSTON):

H. Res. 1034. A resolution expressing support for designation of July 2010 as "Braille Literacy Month"; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. GERLACH, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, and Mr. PITTS):

H. Res. 1035. A resolution honoring Villanova University for winning the 2009 National Collegiate Athletic Association championships in Division I women's cross country and Football Championship Subdivision (formerly I-AA) and for other accomplishments; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 227: Mrs. MYRICK, Mr. DAVIS of Kentucky, Mr. CHAFFETZ, and Ms. FOXX.

H.R. 272: Mr. GARY G. MILLER of California.

H.R. 413: Ms. DELAULO, Mr. YARMUTH, Mr. SIREs, and Mr. GONZALEZ.

H.R. 417: Ms. JACKSON LEE of Texas and Mr. SERRANO.

H.R. 450: Mr. BACHUS.

H.R. 460: Mr. CONNOLLY of Virginia.

H.R. 571: Mr. ORTIZ.

H.R. 706: Mr. CALVERT.

H.R. 775: Mr. SCHAUER, Mr. YARMUTH, Mr. CHANDLER, Mr. HOEKSTRA, and Mr. OWENS.

H.R. 847: Mr. DAVIS of Illinois.

H.R. 881: Mr. BOEHNER.

H.R. 893: Mr. ELLISON.

H.R. 1067: Ms. BORDALLO.

H.R. 1136: Mrs. LUMMIS.

H.R. 1158: Mr. LARSEN of Washington.

H.R. 1165: Mr. CONYERS.

H.R. 1378: Mr. ISRAEL.

H.R. 1413: Mr. FILNER.

H.R. 1526: Mr. CLEAVER, Mr. CARTER, and Mrs. CAPPS.

H.R. 1549: Mr. WU, Mr. CONYERS, Mr. SIREs, and Mr. REYES.

H.R. 1552: Mr. COURTNEY.

H.R. 1557: Ms. SHEA-PORTER.

H.R. 1585: Mr. GERLACH and Mr. TIM MURPHY of Pennsylvania.

H.R. 1619: Ms. TITUS.

H.R. 1646: Mr. PERRIELLO.

H.R. 1677: Mr. COSTA and Mr. KAGEN.

H.R. 1702: Ms. WOOLSEY and Mr. BRALEY of Iowa.

H.R. 1806: Mr. GUTIERREZ.

H.R. 2054: Ms. ESHOO and Ms. SUTTON.

H.R. 2118: Mr. MANZULLO.

H.R. 2138: Mr. LUJÁN and Mr. LATHAM.

H.R. 2324: Mr. CAPUANO and Ms. RICHARDSON.

H.R. 2397: Mr. ROONEY.

H.R. 2429: Mr. CUMMINGS.

H.R. 2478: Mr. HEINRICH, Mr. PERRIELLO, and Mr. QUIGLEY.

H.R. 2492: Ms. TITUS.

H.R. 2520: Mr. ROHRBACHER.

H.R. 2546: Ms. BORDALLO.

H.R. 2567: Ms. CLARKE and Mr. MICHAUD.

H.R. 2584: Mr. GONZALEZ.

H.R. 2608: Mr. WOLF.

H.R. 2672: Ms. BORDALLO.

H.R. 2676: Mr. MANZULLO.

H.R. 2698: Mr. SARBANES.

H.R. 2699: Mr. SARBANES.

H.R. 2849: Mr. COURTNEY.

H.R. 2850: Mrs. MALONEY.

H.R. 2927: Ms. LINDA T. SANCHEZ of California.

H.R. 2964: Mr. KISSELL.

H.R. 3024: Mr. BOUCHER.

H.R. 3077: Mr. FATTAH.

H.R. 3190: Ms. JACKSON LEE of Texas.

H.R. 3202: Mr. DELAHUNT.

H.R. 3420: Mr. LUJÁN.

H.R. 3613: Mr. SCALISE.

H.R. 3655: Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. PETERS, Mr. DAVIS of Illinois, and Mr. COHEN.

H.R. 3662: Mr. DOGGETT.

H.R. 3695: Mr. CONYERS and Ms. WATERS.

H.R. 3701: Mr. WEINER.

H.R. 3721: Mr. FRANK of Massachusetts.

H.R. 3734: Ms. BORDALLO, Ms. ZOE LOFGREN of California, and Mr. PRICE of North Carolina.

H.R. 3764: Ms. ZOE LOFGREN of California.

H.R. 3790: Mr. ROONEY and Mr. BOEHNER.

H.R. 3943: Mr. LOBIONDO, Mr. ROONEY, Mr. WAMP, Mr. KENNEDY, Mr. GUTIERREZ, and Mr. TEAGUE.

H.R. 3995: Mr. FILNER.

H.R. 4051: Mr. PLATTS, Ms. PINGREE of Maine, Mr. BRADY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. ROSS, Mr. ALTMIRE, and Mr. WITTMAN.

H.R. 4088: Mr. LIPINSKI, Mr. SESTAK, Mr. SMITH of Washington, and Mr. MANZULLO.

H.R. 4115: Mr. WATT, Mr. BACA, Mr. SCHAUER, and Ms. BALDWIN.

H.R. 4116: Ms. TITUS, Mr. CARNAHAN, Ms. BALDWIN, Mr. COHEN, Mrs. MALONEY, Mrs. CAPITO, Mrs. EMERSON, Ms. FALLIN, Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, and Mr. WELCH.

H.R. 4126: Ms. DELAULO.

H.R. 4138: Mr. YOUNG of Alaska.

H.R. 4144: Mr. ISRAEL.

H.R. 4153: Mr. CAO.

H.R. 4190: Ms. NORTON.

H.R. 4236: Mr. PERRIELLO.

H.R. 4255: Mr. EDWARDS of Texas, Mr. SCHAUER, and Mr. MARSHALL.

H.R. 4260: Mr. KENNEDY.

H.R. 4262: Mr. FORBES.

H.R. 4268: Ms. VELÁZQUEZ, Mr. OLVER, and Mr. SERRANO.

H.R. 4287: Mr. SIREs.

H.R. 4309: Mrs. DAHLKEMPER.

H.R. 4324: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4333: Mr. MCGOVERN, Mr. CARNAHAN, Mr. JACKSON of Illinois, Ms. FUDGE, Ms. DEGETTE, Mr. FILNER, Ms. ROS-LEHTINEN, Ms. KILPATRICK of Michigan, Mr. BRALEY of Iowa, Mr. PLATTS, Mr. KILDEE, and Mr. SESTAK.

H.R. 4348: Mr. WOLF.

H.R. 4353: Mrs. MALONEY, Mr. JACKSON of Illinois, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, and Mr. BRADY of Texas.

H.R. 4354: Ms. BORDALLO.

H.R. 4371: Mr. RAHALL, Mr. ACKERMAN, Mr. REYES, Mr. FORBES, Mr. YOUNG of Florida, Mr. GOODLATTE, and Mr. DELAHUNT.

H.R. 4393: Mr. LUJÁN and Mr. MICHAUD.

H.R. 4400: Mr. BUTTERFIELD, Mr. EDWARDS of Texas, and Mr. MCINTYRE.

H.R. 4413: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 4415: Mr. KINGSTON, Mr. BROUN of Georgia, Mr. GERLACH, Mr. LATTI, and Mr. COLE.

H.R. 4426: Mr. GRIJALVA, Mr. OBEY, Mr. CAPUANO, Mr. BOSWELL, Mr. LOEBSACK, Mr. ELLISON, Mr. MORAN of Virginia, Ms. LEE of California, Ms. WOOLSEY, Mr. LIPINSKI, Ms. RICHARDSON, Ms. CASTOR of Florida, Mr. HALL of New York, Ms. SHEA-PORTER, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mrs. DAVIS of California, Mr. CONYERS, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. INSLEE, Mr. FALCOMAYAGA, Mr. DINGELL, Mr. JOHNSON of Georgia, Mr. CONNOLLY of Virginia, Mr. OLVER, Ms. EDWARDS of Maryland, and Mr. LARSON of Connecticut.

H.R. 4427: Mr. WITTMAN, Mr. MILLER of Florida, and Mr. MICHAUD.

H.R. 4428: Mr. WEINER, Ms. LEE of California, and Mr. GRIJALVA.

H.R. 4459: Mr. SENSENBRENNER.

H.R. 4463: Mr. POSEY, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. COBLE, Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. LEE of New York, Mr. GUTHRIE, Mr. HUNTER, Mr. MCHENRY, Mr. GINGREY of Georgia, Mrs. McMORRIS RODGERS, Mr. EHLERS,

Mr. DENT, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. BOOZMAN, Mr. FORBES, Ms. GINNY BROWN-WAITE of Florida, Mr. DREIER, Mr. BACHUS, and Mr. PENCE.
H.R. 4464: Mr. WESTMORELAND and Mr. PAULSEN.

H.R. 4466: Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. THOMPSON of Pennsylvania, Mr. POE of Texas, and Mr. SULLIVAN.

H.R. 4472: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. UPTON.

H.R. 4475: Mr. ELLISON.

H. Res. 704: Mr. COBLE, Mr. CRENSHAW, and Mr. KLEIN of Florida.

H. Res. 747: Ms. TSONGAS, Mr. ANDREWS, Mr. LANGEVIN, Mr. MILLER of Florida, Mr. TONKO, Mr. JOHNSON of Georgia, and Mr. LOBIONDO.

H. Res. 771: Mr. ABERCROMBIE.

H. Res. 847: Mr. PRICE of Georgia.

H. Res. 902: Mr. WHITFIELD, Mr. WATT, Mrs. BLACKBURN, Mr. MCCAUL, Mr. MCCOTTER, Mr. BUCHANAN, Mr. LAMBORN, Mr. MANZULLO, Mr. GINGREY of Georgia, Mr. HUNTER, Mr. CHAFFETZ, Mrs. MYRICK, Mr. LUCAS, Mr. DOYLE, Ms. SUTTON, Mr. RUSH, Mr. GONZALEZ, Mr. POLIS, Mr. HONDA, Mr. DINGELL, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 936: Mr. WILSON of South Carolina, Mr. CONAWAY, and Mr. LANGEVIN.

H. Res. 943: Mr. KAGEN.

H. Res. 959: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 977: Mr. KINGSTON.

H. Res. 990: Mr. HONDA, Mr. HINCHEY, Ms. SUTTON, Mr. NEAL of Massachusetts, Mr. HOEKSTRA, Mr. SHERMAN, Mr. LANGEVIN, Mr. LATHAM, Mr. SULLIVAN, Mrs. MILLER of Michigan, Mr. CAMP, Mr. ELLISON, and Mr. UPTON.

H. Res. 997: Mr. FARR.

H. Res. 1003: Ms. JACKSON LEE of Texas, Mrs. LOWEY, Mr. BISHOP of Georgia, Mr. BOREN, Ms. LORETTA SANCHEZ of California, Mr. COURTNEY, Mr. LOEBSACK, Mr. CAPUANO, and Mr. MURTHA.

H. Res. 1021: Mr. BURTON of Indiana, Ms. DEGETTE, Mr. DELAHUNT, and Mr. WEINER.

H. Res. 1022: Mr. CONAWAY, Mr. RYAN of Ohio, Mr. CARNAHAN, and Mr. GRIJALVA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Ms. MARKEY of Colorado.